COMMISSION REGULATION (EEC) No 3559/81

of 8 December 1981

on the classification of goods falling within subheading 85.15 A III b) 2 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 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff [1], as last amended by the Act of Accession of Greece, and in particular Article 3 thereof,

Whereas, in order to ensure uniform application of the nomenclature of the Common Customs Tariff, provision must be made for the tariff classification of alarm clock radios, consisting of a plastic casing containing a radio and a quartz electronic clock which allows the radio to be switched on automatically at any chosen time having also a tuning scale, a light-emitting diode (LED) display and several push-buttons for controlling the radio and for setting the clock ;

Whereas the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 [2], as last amended by Regulation (EEC) No 3300/81 [3], lists under subheading 85.15 A III b) 2 receivers (not included in previous subheadings), whether or not incorporating sound recorders or reproducers, and under subheading 91.04 A other clocks, electric or electronic ; whereas, for the classification of the above-mentioned clock radios, these subheadings merit consideration ;

Whereas the radio may be switched on either by the clock mechanism or by pushing a button provided for this purpose ;

Whereas in the instrument in question the relative values of the component parts cannot be the decisive factor for determining essential character ; whereas, on the other hand, the external appearance of the instrument, the function of the radio and its capacity to receive a number of wavelengths and stations make the radio the main part in comparison with the clock ; whereas, therefore, it is the radio which confers on the whole its essential character ;

Whereas, therefore, such instruments cannot fall within subheading 91.04 A but should be classified, in accordance with Rule 3 (b) for the interpretation of the nomenclature of the Common Customs Tariff, under subheading 85.15 A III b) 2 ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Alarm clock radios, consisting of a plastic casing containing a radio and a quartz electronic clock which allows the radio to be switched on automatically at any chosen time, having also a tuning scale, a light-emitting diode (LED) display and several push-buttons for controlling the radio and for setting the clock, shall be classified in the Common Customs Tariff under subheading :

85.15 Radiotelegraphic and radiotelephonic transmission and reception apparatus ; radiobroadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras ; radio navigational aid apparatus, radar apparatus and radio remote control apparatus :

A. Radiotelegraphic and radiotelephonic transmission and reception apparatus ; radiobroadcasting and television transmission and reception apparatus (including receivers incorporating sound recorders or reproducers) and television cameras :

III. Receivers, whether or not incorporating sound recorders or reproducers :

b) Other :

2. Other

Article 2

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities.*

[1] OJ No L 14, 21. 1. 1969, p. 1.
[2] OJ No L 172, 22. 7. 1968, p. 1.
[3] OJ No L 335, 21. 11. 1981, p. 1.

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

Done at Brussels, 8 December 1981.

For the Commission

Karl-Heinz NARJES

Member of the Commission