# COMMISSION REGULATION (EEC) No 1385/83

## of 27 May 1983

## on the classification of goods falling within subheading 21.02 C II 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, provisions must be laid down concerning the tariff classification of a product consisting of non-germinated barley grains, husked, roasted and usable in the production of beer, as a colouring and flavouring agent, or as a coffee substitute ;

Whereas heading No 21.02 of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 [2], as last amended by Regulation (EEC) No 604/83 [3], includes *inter alia* roasted coffee substitutes ;

Whereas the product concerned, even if it can be used for colouring and flavouring beer, has the characteristics of a roasted coffee substitute of heading No 21.02 ; whereas, within this heading, subheading 21.02 C II must be chosen for the product in question ;

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*

The product consisting of non-germinated barley grains, husked, roasted and usable in the production of beer as a colouring and flavouring agent, or as a coffee substitute, shall be classified in the Common Customs Tariff under subheading :

21.02 Extracts, essences or concentrates, of coffee, tea or maté and preparations with a basis of these extracts, essences or concentrates ; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof :

C. Roasted chicory and other roasted coffee substitutes :

II. Other

*Article 2*

This Regulation shall enter into force on the 21st 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, 27 May 1983.

*For the Commission*

Karl-Heinz NARJES

*Member of the Commission*

(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 172, 22. 7. 1968, p. 1.
(3) OJ No L 72, 18. 3. 1983, p. 3.