COMMISSION REGULATION (EEC) No 1388/85

of 24 May 1985

classifying goods under subheading 12.04 A 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 Council Regulation (EEC) No 2055/84 (2), 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 classification of sliced sugar beet, partly de-sugared, whether or not pelletized either directly by compression or by the addition of a binder (up to 3 % by weight) having a sucrose content including any sucrose contained in the binder) exceeding 10 % by weight by reference to the dry matter ;

Whereas subheading 12.04 A of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68 (3), as last amended by Regulation (EEC) No 3400/84 (4), relates to sugar beet ;

Whereas subheading 23.03 B I relates *inter alia* to sugar beet pulp ;

Whereas, in order to draw a distinction between sugar beet and sugar beet pulp, it is necessary to set a limit for the sucrose content, and it is appropriate to set that limit at 10 % by weight ;

Whereas as a result, sliced sugar beet, partly de-sugared having a sucrose content (including any sucrose in the binder) exceeding 10 % by weight by reference to the dry matter, should be classified in subheading 12.04 A ;

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

Sliced sugar beet, partly de-sugared, whether or not pelletized either directly by compression or by the addition of a binder (up to 3 % by weight), having a sucrose content (including any sucrose contained in the binder) exceeding 10 % by weight by reference to the dry matter, shall be classified in the Common Customs Tariff under subheading :

12.04 Sugar beet, whole or sliced, fresh, dried or powdered ; sugar cane :

A. Sugar beet :

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, 24 May 1985.

For the Commission

COCKFIELD

Vice-President

(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 191, 16. 7. 1984, p. 1.
(3) OJ No L 171, 22. 7. 1968, p. 1.
(4) OJ No L 320, 10. 12. 1984, p. 1.