COMMISSION REGULATION (EEC) No 210/85

of 25 January 1985

classifying goods in subheading 21.07 G I d) 1 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 Regulation (EEC) No 2055/84 (2), and in particular Article 3 thereof,

Whereas, in order to ensure that the Common Customs Tariff nomenclature is applied uniformly, measures must be taken concerning the classification of the following products put up for sale by retail :

(a) pills having the following composition (per pill) :

— vitamin A	2 000 UI
— vitamin C	60 mg
— vitamin D	200 IU
— vitamin E	12 IU
— vitamin B1	1,1 mg
— vitamin B2	1,2 mg
— vitamin B6	2 mg
— niacinamide	13 mg
— calcium pentothenate	4,3 mg
— vitamin B12	3 mcg
— folic acid	50 mcg
— biotin	100 mcg
— iron	10 mg
— zinc	7,5 mg
— manganese	2 mg
— copper	1 mg
— molybdenum	150 mcg
— iodine	75 mcg
— selenium	50 mcg
— chromium	50 mcg
— sucrose (including invert sugar expressed as sucrose)	33 %
— water approximately	7 % ;

(b) effervescent pills having the following composition (per pill) :

— vitamin B1	1,1 mg
— vitamin B2	1,5 mg
— vitamin B6	1,4 mg
— vitamin B12	5 mcg
— vitamin C	75 mg
— vitamin E	7 mg
— niacinamide	11 mg
— calcium pentothenate	10 mg
— sucrose (including invert sugar expressed as sucrose)	48 %
— effervescent salts, orange flavouring and saccharin ;	

Whereas heading No 30.03 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 in particular to medicaments ;

Whereas heading No 21.07 relates to food preparations not elsewhere specified or included ;

Whereas the products in question do not comply with the provisions of note 1 to Chapter 30 and therefore cannot be regarded as medicaments of heading No 30.03 ;

Whereas they have the characteristics of food supplement containing vitamins and mineral salts and intended to keep the body in good health and should be regarded as food preparations ; whereas in absence of a more specific heading, they should be classified in heading No 21.07 ; whereas, within that heading, subheading 21.07 G I d) 1 is the most appropriate ;

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 following products for sale by retail :

(a) pills having the following composition (per pill) :

— vitamin A	2 000 UI
— vitamin C	60 mg
— vitamin D	200 IU

(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 191, 19. 7. 1984, p. 1.
(3) OJ No L 172, 22. 7. 1968, p. 1.
(4) OJ No L 320, 10. 12. 1984, p. 1.

— vitamin E	12 IU
— vitamin B1	1,1 mg
— vitamin B2	1,2 mg
— vitamin B6	2 mg
— niacinamide	13 mg
— calcium pentothenate	4,3 mg
— vitamin B12	3 mcg
— folic acid	50 mcg
— biotin	100 mcg
— iron	10 mg
— zinc	7,5 mg
— manganese	2 mg
— copper	1 mg
— molybdenum	150 mcg
— iodine	75 mcg
— selenium	50 mcg
— chromium	50 mcg
— sucrose (including invert sugar expressed as sucrose)	33 %
— water approximately	7 % ;

(b) effervescent pills having the following composition (per pill) :

— vitamin B1	1,1 mg
— vitamin B2	1,5 mg
— vitamin B6	1,4 mg
— vitamin B12	5 mcg
— vitamin C	75 mg
— vitamin E	7 mg
— niacinamide	11 mg
— calcium pentothenate	10 mg
— sucrose (including invert sugar expressed as sucrose)	48 %

— effervescent salts, orange flavouring and saccharin ;

shall be classified in the Common Customs Tariff under subheading

21.07 Food preparations not elsewhere specified or included :

G. Other :

I. Containing no milk fats or containing less than 1,5 % weight of such fats :

(d) containing 30 % or more but less than 50 % by weight of sucrose (including invert sugar expressed as sucrose) :

1. Containing no starch or containing less than 5 % by weight of starch.

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, 25 January 1985.

For the Commission

COCKFIELD

Member of the Commission