COMMISSION REGULATION (EEC) No 1368/87

of 18 May 1987

concerning the classification of goods under subheading 90.28 A II 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 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, it is necessary to stipulate the classification of an electronic measuring instrument for the acquisition and processing through an incorporated central processing unit, of a number of data derived from the measurement of electrical quantities or of physical quantities previously converted into corresponding electrical quantities;

Whereas the Common Customs Tariff appended to Council Regulation (EEC) No 950/68 (3), as last amended by Regulation (EEC) No 750/87 (4), classifies, *inter alia,* automatic data-processing under tariff heading No 84.53 and, *inter alia,* electronic measuring instruments under tariff heading No 90.28;

Whereas both of these headings can be taken into consideration for the classification of the abovementioned instrument;

Whereas the purpose of the instrument in question is to carry out measuring operations: whereas the data-processing that it performs by means of processes specific to automatic data-processing machines is only the means of carrying out the special operations for which it was designed;

Whereas the Explanatory Notes of the Customs Cooperation Council Nomenclature exclude from No 84.53 machines incorporating or working in conjunction with an automatic data-processing machine and performing their own specific function; whereas it is necessary to classify them in implementation of General Rule 3 a) for the interpretation of the Nomenclature according to that specific function;

Whereas subheading No 90.28 A II a) covers electronic instruments for measuring electrical quantities; whereas the abovementioned electronic measuring instrument should be classified under that subheading;

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

HAS ADOPTED THIS REGULATION:

Article 1

Electronic measuring instruments for the acquisition and processing, through an incorporated central processing unit, of a number of data derived from the measurement of electrical quantities or of physical quantities previously converted into corresponding electrical quantities fall within tariff subheading:

90.28 Electrical measuring, checking, analysing or automatically controlling instruments and apparatus:

A. Electronic instruments and apparatus:

II. Other:

(a) Telecommunications (cross-talk meters, gain measuring instruments, nepermeters; distortion factor meters, psophometers and the like);

For measuring or detecting ionizing radiations;

Other measuring apparatus with self-balancing recording device;

Other apparatus for measuring electrical quantities

Article 2

This Regulation shall enter into force on the twenty-first 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 191, 19. 7. 1984, p. 1.
(3) OJ No L 172, 22. 7. 1968, p. 1.
(4) OJ No L 76, 18. 3. 1987, p. 1.

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

Done at Brussels, 18 May 1987.

For the Commission

COCKFIELD

Vice-President