COMMISSION REGULATION (EEC) No 3931/88

of 16 December 1988

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], as last amended by Regulation (EEC) No 3174/88 [2], and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the 21st day after 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, 16 December 1988.

For the Commission
COCKFIELD
Vice-President

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[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 298, 31. 10. 1988, p. 1.

ANNEX

Description of the goods	Classification CN Code	Reasons
(1)	(2)	(3)
Preparation in the form of tablets (weighing 100 mg per tablet) put up in retail packages with instructions on dosage and use to counter calcium deficiency, having the following homeopathic composition : Lactose : 79,0 mg Silica D-6 : 2,5 mg Calcium phosphate D-6 : 0,5 mg Calcium carbonate D-4 : 0,5 mg Sodium phosphate D-6 : 0,5 mg Urtica D-1 : 10,0 mg Starch : 5,0 mg Magnesium stearate : 2,0 mg 100,0 mg	2106 90 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the texts of CN codes 2106, 2106 90 and 2106 90 99. The product is a food supplement and not a medicament within the meaning of CN code 3004 (see also HS Explanatory Notes to heading No 2106).