COMMISSION REGULATION (EC) No 2802/95

of 4 December 1995

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 [1] on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Commission Regulation (EC) No 2588/95 [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 those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and 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 it is acceptance that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which do not conform to the rights established by this Regulation, can continue to be invoked, under the provisions in Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [3], for a period of three months by the holder;

Whereas the tariff and statistical nomenclature section of the Customs Code Committee has not delivered an opinion with the time limit set by its chairman as regards products No 1 in the annexed table;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee as regards products No 2 in the annexed table,

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

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

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, 4 December 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

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[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 264, 7. 11. 1995, p. 4.
[3] OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. An amber syrup intended to correct iron deficiencies put up in 125 ml bottles. Its composition (per 100 g) is as follows : — sodium feredetate : 4,13 g (1) — sorbitol : 24 g — glycerine : 13 g — citric acid : 0,1 g — ethyl alcohol 95° : 0,09 g — flavouring agent : 0,01 g — propyl parahydroxybenzoate : 0,01 g — methyl parahydroxybenzoate : 0,08 g — water : quant. suff.	2202 90 10	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 1a to Chapter 30, and by the wording of CN codes 2202, 2202 90 and 2202 90 10.
2. Sweet, apple-tasting, alcoholic beverage made from cider, sugar syrup, apple flavouring and alcohol, in containers holding less than 2 litres with the following analytical characteristics : Density at 20°C : 1,0472 g/cm³ Alcoholic strength by volume (pycnometer) : 19,5 % vol. Dry extract : 190 g/l Sugar content (by HPLC) : — fructose : 5,7 % by weight — glucose : 6,3 % by weight — sucrose : 5,4 % by weight	2206 00 51	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, as well as the wording of CN codes 2206 00 and 2206 00 51. See also the HS Explanatory Notes to heading 2206, second paragraph.

(1) Sodium feredetate is a soluble ferric compound of crystallized sodium ethylenediamine tetraacetate.