COMMISSION REGULATION (EC) No 1308/96

of 4 July 1996

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 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], as last amended by Regulation (EC) No 1192/96 [2], and in particular Article 9 thereof,

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 this 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 appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which do not conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992, establishing the Community Customs Code [3], for a period of 60 days by the holder;

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,

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

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which no longer conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of 60 days.

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 July 1996.

For the Commission

Mario MONTI

Member of the Commission

[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 156, 29. 6. 1996, p. 15.
[3] OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description	Classification CN code	Reason
(1)	(2)	(3)
1. Garment made of fabric (100 % cotton) intended to cover the lower part of the body, from the waist to above the knee, enclosing each leg separately and with no front opening, with pockets at the sides. It is tightened at the waist by means of an elastic strip and a band sewn onto the front for adjustment by a buckle on the left. The garment also has a false fly (sewn up) with a left-over-right flap (simulated fastening). (Shorts). (See photograph No 547) (*)	6204 62 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, by note 8 to chapter 62, and by the wording of CN codes 6204, 6204 62 and 6204 62 90. Neither the false fly nor the positioning of the buckle are sufficient to identify it as a men's or boys' garment.
2. Two garments packaged for retail sale and consisting of:		Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, by note 13 to section XI, by note 5 to chapter 62 for garment (a), by note 8 to chapter 62 and by the wording of CN codes 6202, 6202 93 00, 6210 and 6210 40 00.
(a) A lightweight, loose-fitting garment made of two differently coloured fabrics (100 % nylon-coated in plastics which can be seen with the naked eye), intended to cover the upper part of the body reaching down to above the mid-thigh area. It has a full frontal opening with a slide fastener and a protective flap designed for left over right closure by means of press-studs. The garment has a sewn-on high collar, a hood that can be tightened by a drawstring and stowed away in a collar pocket, long sleeves tightened at the end and two pockets inserted at the front closed by slide fasteners. It can also be tightened by drawstrings at the collar, waist and bottom and has 'velcro' tapes at the collar and sleeve-ends, a partial lining at the upper part of the garment (100 % nylon), a sewn-on decoration on the left sleeve and an embroidered logo on the breast. (See photograph No 545 A) (*)	6210 40 00	
(b) A loose-fitting garment made of two differently coloured fabrics (100 % nylon), intended to cover the upper part of the body reaching down to above the mid-thigh area, with a full frontal opening closed by a slide fastener. It has long sleeves with knitted ribbing at the end, a sewn-on collar of velour fabric and two pockets inserted at the front closed by slide fasteners. The garment also has an embroidered logo at the front, a tightening facility with drawstring at the waist and quilted lining with an inside pocket. (See photograph No 545 B) (*) The two garments may be used separately and can be combined by means of 'velcro' tapes at the collar, inner press-studs at the sleeve-ends and a slide fastener at the frontal opening.	6202 93 00	

Description	Classification CN code	Reason
(1)	(2)	(3)
3. Four items made of textile material (100 % cotton), with the same decorative motif printed on each, packaged together for retail sale, comprising:		Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, general rule 3 (b) for the interpretation of the combined nomenclature in respect of the set in item I, and by the wording of CN codes 6211, 6211 42, 6211 42 10, 6302 and 6302 60 00. The towel does not contribute to the same complementary purpose as the other three items in the set and should therefore be classified separately. (See also the harmonized system explanatory notes concerning general rule 3 (b), item X, for the interpretation of the nomenclature)
I. A set of three matching items made up from the same two multicoloured printed fabrics, consisting of:	6211 42 10	
(a) a mitten padded with textile fibres providing thermal insulation, complete with hanging device; (see photograph No 546 A) (*)		
(b) a square-shaped pan-holder padded with textile fibres providing thermal insulation, complete with hanging device; (See photograph No 546 B) (*)		
(c) an apron; (see photograph No 546 D) (*)		
II. A towel made up of terry fabric fringed on two sides and hemmed on the other two. (see photograph No 546 C) (*)	6302 60 00	

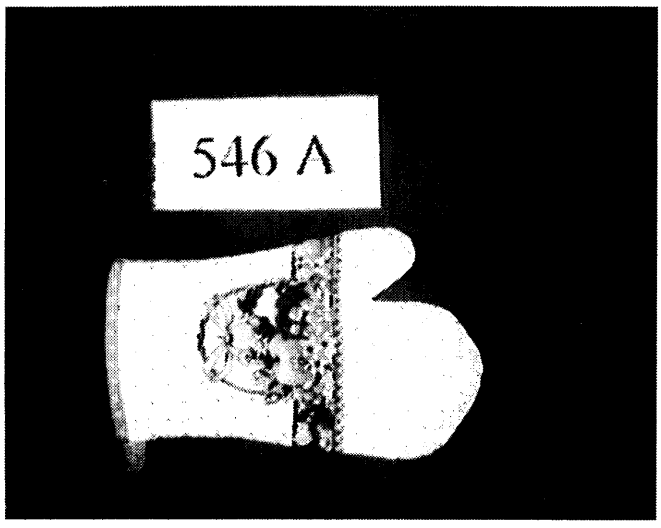
(*) The photographs are purely for information.

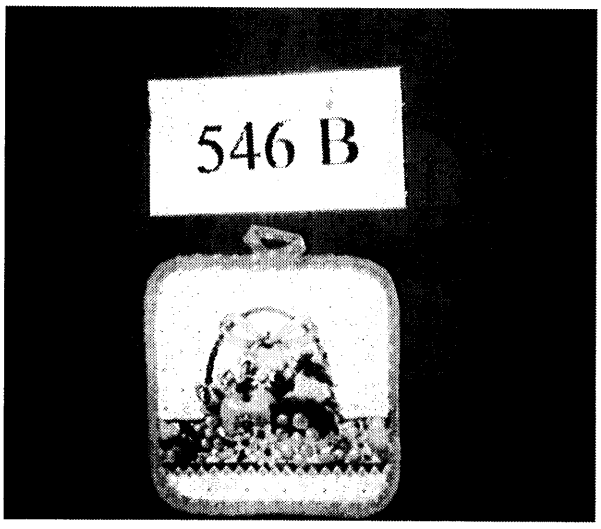


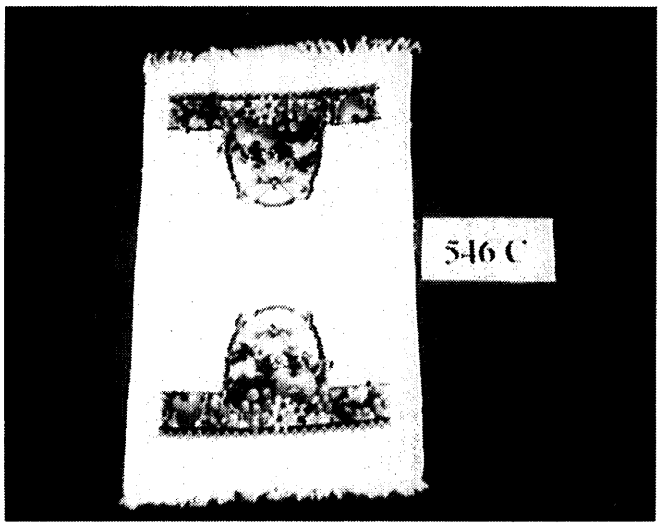
545 A

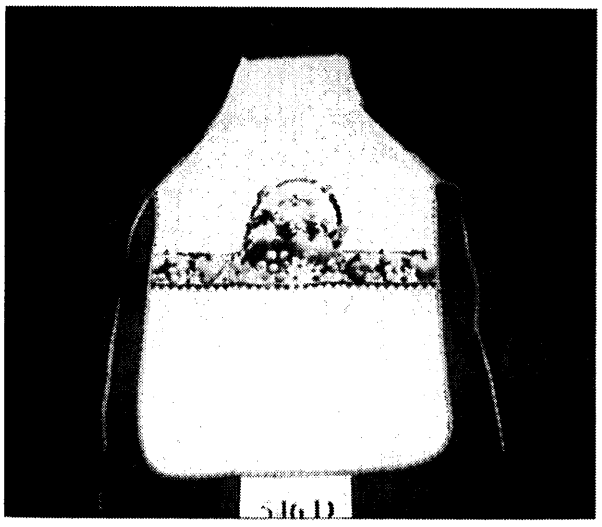


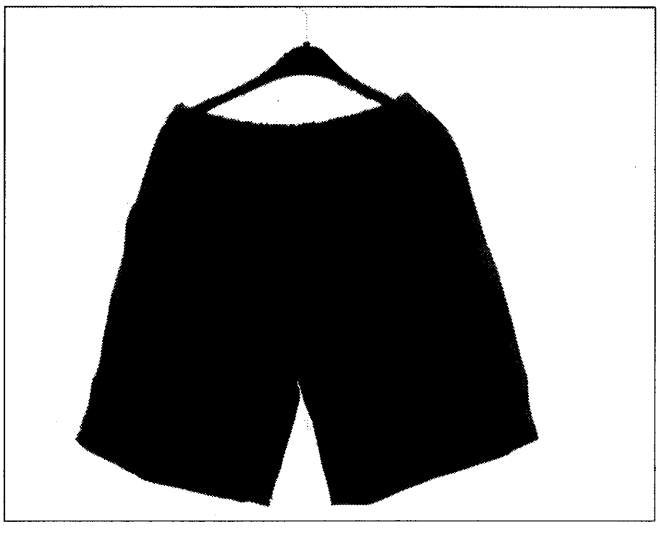
545 B











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