COMMISSION REGULATION (EC) No 214/96

of 2 February 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 Commission Regulation (EC) No 3009/95 [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 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 accepted 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], as amended by Commission Regulation (EEC) No 2454/93 [4], 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 product 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 product 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, 2 February 1996.

For the Commission

Mario MONTI

Member of the Commission

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[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 319, 31. 12. 1995, p. 1.
[3] OJ No L 302, 19. 10. 1992, p. 1.
[4] OJ No L 253, 11. 10. 1993, p. 1.

ANNEX

Description	Classification CN code	Grounds
(1)	(2)	(3)
1. Vanilla pods, smelling slightly of vanilla and alcohol, cut into pieces, with a mean vanillin content of 0,14 %, a sugar content of 0,6 % by weight and an alcoholic strength by mass of 8,6 % mas. The product, from which vanillin has been extracted by means of alcohol, is used in the food-processing industry, e.g. in the manufacture of ice cream.	0905 00 00	Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN code 0905 00 00.
2. Preparation in the form of effervescent tablets put up for retail sale with information on dosage and composition, intended for use as a tonic. Each 2 gr tablet contains: — arginine aspartate: 1 gr — excipients (citric acid, sodium bicarbonate, sodium carbonate, sodium dihydrogen citrate, saccharin sodium, orange yellow (E 110), colloidal silica, flavouring): 1 gr	2106 90 92	Classification is determined by General Rules 1 and 6 for the interpretation of the combined nomenclature, Note 1 (a) to Chapter 30 and the wording of CN codes 2106, 2106 90 and 2106 90 92. The product is a food supplement (see also Harmonized System Explanatory Notes, heading 21 06).