# COMMISSION REGULATION (EC) No 2338/96

## of 5 December 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 [1] on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EC) No 1734/96 [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 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], for a period of three months 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 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, 5 December 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 238, 19. 9. 1996, p. 1.
[3] OJ No L 302, 19. 10. 1992, p. 1.

*ANNEX*

| Description of goods | CN code | Reason |
|---|---|---|
| (1) | (2) | (3) |
| 1. A printed coloured book consisting of a 29,5 × 28,7 cm cardboard cover and 54, 14 × 28 cm pages containing texts and several illustrations.<br>A 14 × 25 cm blister pack containing various articles (e.g. magnet, plastic propeller, wire, light bulb) is glued onto the inside of the back cover.<br>The texts, illustrations and articles can be used for simple physical experiments (e.g. optics, magnetism and electricity) | 4901 99 00 | Classification is determined by the provisions of General Rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature and the wording of CN codes 4901 and 4901 99 00.<br>This article is classified as a book on the basis of the printed text |
| 2. A printed coloured book consisting of a 29,5 × 28,7 cm cardboard cover and 64, 14 × 28 cm pages containing illustrated instructions on how to apply make-up and to make costumes and accessories.<br>A 14 × 25 cm blister pack containing six skin paints, a simple paint brush, a small round sponge, a narrow synthetic moustache and two plastic monster eyes is glued onto the inside of the back cover | 4901 99 00 | Classification is determined by the provisions of General Rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature and the wording of CN codes 4901 and 4901 99 00.<br>The article is classified as a book on the basis of the printed text |
| 3. A reference-work used for the selection, specification and control of colours in the fashion, architecture and interior design fields, consisting of a ring-binder of paperboard coated with printed plastic film.<br>The ring-binder contains 95 colour charts, an index and pages with instructions for use in six languages, of paper.<br>Each colour chart is comprised of 35 perforated cards, each with different shades of colours identified by a special code. Each shade also has its own specific code | 4911 99 00 | Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 4911 and 4911 99 00<br>The reference work cannot be considered as an article of heading No 4901 since it does not bear a text within the meaning of that heading |
| 4. An upright rigid bear figurine, made completely of plastic, partly with human features (e.g. smiling face, bent left arm and outstretched right arm with stylized human hand) and painted red neckerchief.<br>The figure is approximately 4 cm high and packed in a small plastic container | 9503 49 30 | Classification is determined by the provisions of General Rules 1, 5 (b) and 6 for the interpretation of the combined nomenclature and the wording of CN codes 9503, 9503 49 and 9503 49 30.<br>The figurine represents an animal, forms part of a collectable series and has an intrinsic recreational function which outweighs its ornamental value |
| 5. A set consisting of a children's book of paperboard, four plastic bricks of various colours and one plastic figure in the form of a brick with a girl's head.<br>The book is printed with simple stories and related colour illustrations for the amusement of children.<br>On the last page of the book a removable blister-pack containing the figure and bricks is fixed.<br>The figure and bricks are intended to be placed by children following the narrative into coloured slots on the appropriate pages | 9503 70 00 | Classification is determined by the provisions of General Rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature and the wording of CN codes 9503 and 9503 70 00 |