COMMISSION REGULATION (EC) No 1054/97

of 11 June 1997

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 866/97 [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 within 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], as last amended by Regulation (EC) No 82/97 [4], 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 within 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.*

[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 124, 16. 5. 1997, p. 1.
[3] OJ No L 302, 19. 10. 1992, p. 1.
[4] OJ No L 17, 21. 1. 1997, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 June 1997.

For the Commission

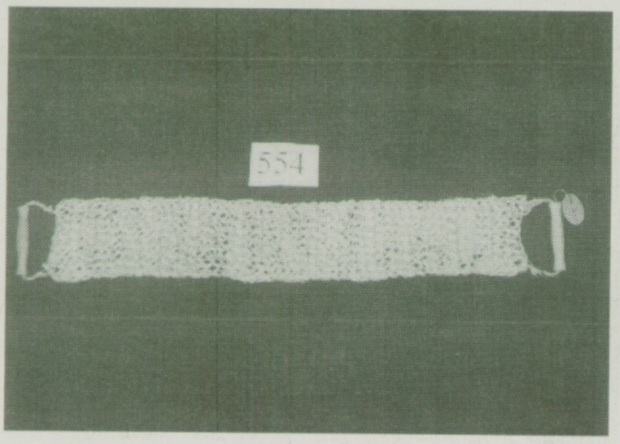
Mario MONTI

Member of the Commission

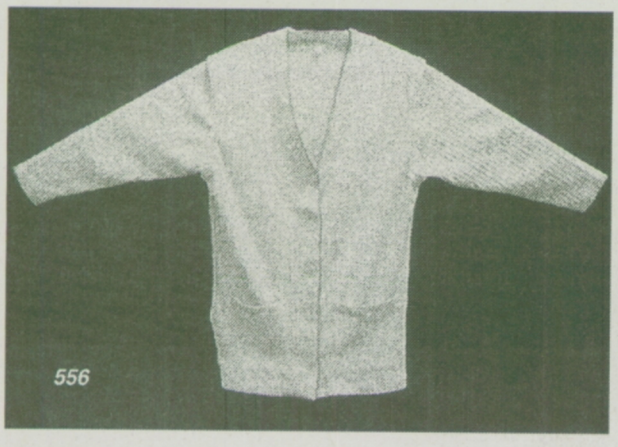
ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Single-colour, unlined garment of 2,3 mm thick knitted fabric (60 % wool, 40 % polyamide blend) with a collar with lapels, intended to cover the upper part of the body including the hips. Long-sleeved, with a V-shaped neckline, with a complete opening at the front buttoning right over left. It has pockets below the waist and is hemmed at the base of the garment. The garment is made up of six panels (two at the front, four at the back) sewn together lengthways. It also has shoulder pads and two vertical darts starting at the chest (a jacket). (See photograph No 557)(*)	6104 31 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, subheading note 2 (A) to Section XI, note 9 to Chapter 61 and the wording of CN codes 6104 and 6104 31 00. By virtue of its general appearance, and in particular the fact that it has a certain stiffness (thick fabric, six panels and two darts), this garment is to be classified as a jacket of CN code 6104.
2. Single-colour, unlined garment of 2,1 mm thick knitted fabric (70 % acrylic, 30 % wool blend) with turnover collar, intended to cover the upper part of the body reaching down to the waist. Long-sleeved, with a V-shaped neckline, with a complete opening at the front buttoning right over left. It has pockets below the waist and is hemmed at the base of the garment. The garment is made up of six panels (two at the front, four at the back) sewn together lengthways. It also has shoulder pads and two vertical darts starting at the breast (a jacket). (See photograph No 558)(*)	6104 33 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, subheading note 2 (A) to Section XI, note 9 to Chapter 61 and the wording of CN codes 6104 and 6104 33 00. By virtue of its general appearance, and in particular the fact that it has a certain stiffness (thick fabric, six panels and two darts), this garment is to be classified as a jacket of CN code 6104.
3. Lightweight unlined garment of fine T-shirt-like knitted fabric (100 % cotton), with stripes of two colours, straight cut, without collar and intended to cover the upper part of the body reaching down to the hips. It is hemmed at the sleeve ends and at the base of the garment. It has short sleeves and a round close fitting neckline with a complete opening at the front buttoning right over left. It has pockets below the waist. The garment also has shoulder pads (a garment similar to a cardigan). (See photograph No 555)(*)	6110 20 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, notes 4 and 9 to Chapter 61 and the wording of CN codes 6110, 6110 20 and 6110 20 99. By virtue of its general appearance, and in particular the fact that it is made of a fabric lacking the stiffness to be regarded as a jacket, this article is to be classified as a cardigan-like garment of CN code 6110.
4. Single-colour, unlined garment of loose-fitting thick-ribbed knitted fabric (60 % cotton, 40 % polyester blend), straight cut, without collar and intended to cover the upper part of the body reaching down to the hips. It is hemmed at the sleeve ends and at the base of the garment. It has long sleeves and a V-shaped neckline with a complete opening at the front buttoning right over left. It has pockets below the waist and side slits. (A garment similar to a cardigan). (See photograph No 556)(*)	6110 20 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, subheading note 2 (A) to Section XI, notes 4 and 9 to Chapter 61 and the wording of CN codes 6110, 6110 20 and 6110 20 99. By virtue of its general appearance, and in particular the fact that it is made of a fabric lacking the stiffness to be regarded as a jacket, this article is to be classified as a cardigan-like garment of CN code 6110.

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
5. Set of two garments put up for retail sale, consisting of:		The classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 13 to Section XI, subheading note 2 (A) to Section XI, notes 3 (b) and 9 to Chapter 61 and by the wording of CN codes 6104, 6104 62, 6104 62 10, 6110, 6110 20 and 6110 20 99. Taking into account the general appearance of the garments and, in particular, the presence on the top of an excessive sewn-on decoration and an element sewn on inside at the neckline, it is not evident that these garments are to be worn exclusively or mainly as nightwear.
(a) a lightweight, single-colour red knitted-pullover (80 % cotton, 20 % polyester), intended to cover the upper part of the body, with no opening, with long sleeves and a close-fitting neckline. This garment has ribbing applied at the neckline, at the sleeve ends and at the bottom of the garment, a decorative motif sewn on the front. It has also a sewn-on element inside at the neckline made of the same fabric as the trousers. (see photograph No 559 A) (*)	6110 20 99	
(b) a pair of lightweight knitted trousers (80 % cotton, 20 % polyester) with multicoloured printed checks, reaching from the waist down to the ankles, without an opening at the waist. This garment is tightened at the waist by an elasticated band and has ribbing at the ends of the trouser legs. It also has two loops at the waist for hanging it up. (See photograph No 559 B) (*)	6104 62 10	
6. Set of two garments put up for retail sale, consisting of:		The classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 13 to Section XI, subheading note 2 (A) to Section XI, notes 3 (b) and 9 to Chapter 61 and by the wording of CN codes 6104, 6104 62, 6104 62 10, 6110, 6110 20 and 6110 20 99. See also the Harmonized System explanatory notes to heading 6112. Taking into account the general appearance of the garments and, in particular, the presence on the top of a printed, very significant decoration, the double band of ribbing at the neckline and the decorative seams, and for the lower part the inserted strip and two decorative seams, it is not evident that these garments are to be worn exclusively or mainly as nightwear.
(a) a lightweight knitted pullover (80 % cotton, 20 % polyester) made of two different fabrics (one coloured blue, one red and white striped), intended to cover the upper part of the body, with no opening, with long, single-coloured sleeves. This garment has ribbing applied at the sleeve ends and at the botton of the garment. It also has a close-fitting neckline with two bands of ribbing in different colours, a printed decorative motif on the front and two decorative seams at the armholes. (see photograph No 560 A) (*)	6110 20 99	
(b) a pair of lightweight knitted trousers (80 % cotton, 20 % polyester) made of the same two fabrics as the upper part, reaching from the waist down to the ankles, without an opening at the waist. This garment is tightened at the waist by an elasticated band and has ribbing at the ends of the trouser legs. It has a strip inserted lengthways down the side of the left leg made of the striped material. It also has two decorative seams along this strip and two loops at the waist for hanging it up. (See photograph No 560 B) (*)	6104 62 10	
7. Friction strap (70 x 12 x 1 cm) made of knitted sisal, with a wooden handle at either end enabling it to be used to massage the body. (Toilet linen) (See photograph No 554) (*)	6302 99 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the text of CN codes 6302 and 6302 99 00. See also the Harmonized System explanatory notes to heading 6302.


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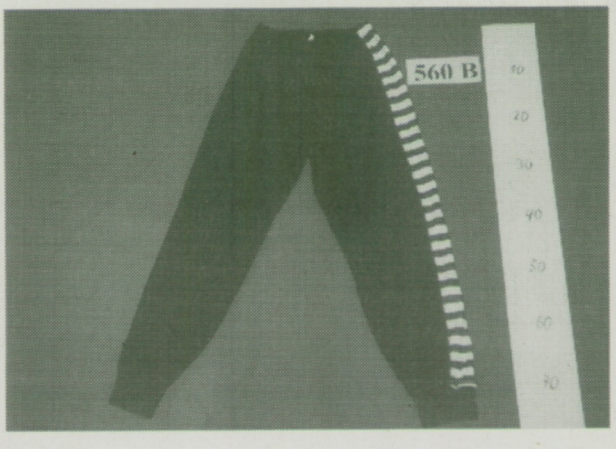

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(*) These photographs are purely for illustrative purposes.