COMMISSION REGULATION (EC) No 1458/97

of 25 July 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 Commission Regulation (EC) No 1195/97 [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 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 tariff and statistical nomenclature section of the Customs Code Committee has not delivered an opinion within the time limit set by its chairman as regards product No 4 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 Nos 1, 2, 3, 5 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

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 170, 28. 6. 1997, p. 11.
[3] OJ No L 302, 19. 10. 1992, p. 1.

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

Done at Brussels, 25 July 1997.

For the Commission

Mario MONTI

Member of the Commission

ANNEX

Description of the goods	Classification (CN code)	Reason
(1)	(2)	(3)
1. Non-woven (length: 180 to 220 cm, width: 70 to 160 cm, thickness: approximately 5 cm, of a weight exceeding 150 g/m²), consisting of a web of several layers of coconut fibres assembled throughout the thickness of the web by means of a bonding substance (latex) and heat treatment.	5603 94 90	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 8 (b) to Section XI, note 3 to Chapter 56 and the wording of CN codes 5603, 5603 94 and 5603 94 90. See also the Harmonized System explanatory notes to heading 56.03. The article cannot be classified in heading 5305 because it has been transformed into an article of fibres.
2. Looped-pile knitted tubing, of mixed synthetic and artificial filaments, treated with polyglucolethylene. The product is put up in the piece, in rolls of about 23 metres in length with a width when flat, of 7,5 cm. This fabric tube, after processing, may be used as a 'damping cover' or 'damping tube' for cylinders of printing machinery.	6001 22 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 6001 and 6001 22 00 Classification under heading 5911 is excluded, because the requirements of note 7 (b) to Chapter 59 are not fulfilled since the product in question still has to undergo further processing.
3. Non-lightweight multicoloured garment made of several thick knitted fabrics raised on the inside (55 % cotton, 45 % polyester) of different thicknesses with more than 10 stitches per linear centimetre, cut straight, intended to cover the upper part of the body as far as the hips. It is hemmed at the sleeve end and lower edge. It has long sleeves, a close-fitting neckline with applied ribbing at the neckline and a partial opening at the front closed by means of a slide fastener. It also has decorative seams and, on the front, sewn-on decorative motifs. (Garment similar to a pullover) (See photograph No 563)(*)	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. Taking into account its cut and general appearance (in particular thick fabrics and the presence of applied ribbing at the neckline), this garment is to be classified as an article similar to a pullover.
4. Loose-fitting woven garment (65 % polyester, 35 % cotton), intended to cover the lower part of the body from the waist to the ankles, with a fly fastening buttoning left over right at the front. At the back it also has two tabs for tightening which allow the wearer to adjust the waist. The garment has two pockets sewn on at the front, two inside pockets at the back and two side pockets sewn on at thigh level. The garment also has pieces of the same fabric at the knees and in the seat. The leg bottoms end in a seam threaded with a drawstring which allows the wearer to tighten the trousers at the bottom. (Leisure trousers) (See photograph No 562)(*)	6203 43 19	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, by subheading note 2 (A) to Section XI, by note 8 to Chapter 62 and by the wording of CN codes 6203, 6203 43 and 6203 43 19. The general appearance of this garment does not make it clear that it is designed to be worn solely or mainly in order to provide protection (physical or health) for other clothing and/or persons during industrial, professional or domestic activities.

Description of the goods	Classification (CN code)	Reason
(1)	(2)	(3)
5. Garment made of 0,3 mm thick self-coloured woven fabric (100 % polyester) intended to cover the lower part of the body from the waist to the ankles, with a black lining, a slide fastener at the front and a fly buttoning left over right. The garment has braces and two devices for tightening it at the waist. It also has an opening starting at the leg bottom fitted with a slide fastener and a 'Velcro-type' fastening. The fabric has a printed motif low down on the front of one leg and under the back pocket and is covered on the inside with a sheet of cellular plastic visible to the naked eye. (Ski trousers) (See photograph No 564) (*)	6210 40 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature note 2 (a) (5) to Chapter 59, notes 5 and 8 to Chapter 62 and the wording of CN codes 6210 and 6210 40 00. Taking into account its thickness (approximately 0,2 mm textiles as against only 0,1 mm for the plastic sheet), its strength and stability, its tight weave and its use as the outer surface material, this fabric gives the garment its essential character (i.e. the fabric serves more than merely reinforcing purposes). See also the Harmonized System explanatory notes to Chapter 39, General Considerations (plastics and textile combinations).







(*) The photographs are purely for information.