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(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 92/97

of 20 January 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 2493/96 [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 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 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,

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 338, 28. 12. 1996, p. 27.
[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, 20 January 1997.

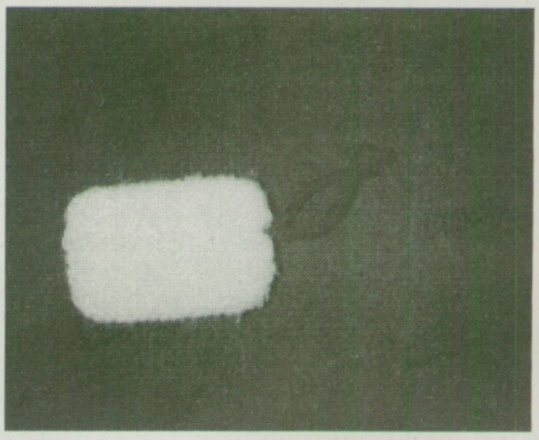
For the Commission
Mario MONTI
Member of the Commission

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Garment made of a self-coloured, thick, knitted fabric (100 % polyester), with an average of less than 10 rows of stitches per linear centimetre in each direction, cut straight with a curved hemline and intended to cover the upper part of the body as far as the hips. The garment has long, cuffed sleeves, a collar, and a complete opening at the front buttoning left over right. It also has a pocket sewn on the front at chest level. (Garment similar to cardigan) (See photograph No 551) (*)	6110 30 91	Classification is based on 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 headings 6110, 6110 30 and 6110 30 91 of the CN. Classification of this garment as a shirt under CN code 6105 is excluded because the number of rows of stitches per linear centimetre is less than 10.
2. Lightweight, loose-fitting, sleeveless garment made of plain fabric (100 % cotton), intended to cover both the upper and lower parts of the body reaching down to the ankles (approximately 122 cm long). On the front it has a low-cut neckline, a complete opening buttoning right over left and pockets sewn on below the waist. The garment has side vents starting 4,5 cm below the waist, approximately 73 cm in length. It also has motifs embroidered on the front at chest level and pockets. Two strips of the same fabric are sewn on to the back at the waist. These can be tied. (Dress) (See photograph No 548) (*)	6204 42 00	Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 6204 and 6204 42 00. See also the CN explanatory notes to codes 6204 41 00 to 6204 49 90. By virtue of its general appearance, and in particular its length, this garment is to be regarded as a dress, despite the presence of side vents.
3. Friction sponge in the form of a parallelepiped (14 × 9 × 5 cm) consisting of plastic sponge encased in knitted sisal, with a hanging tab. Used to massage the body. (Toilet Linen) (See photograph No 549) (*)	6302 99 00	Classification is determined by the provisions of general rules 1, 3 (b) 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.
4. Friction pad consisting of a plastic sponge covered on one side with knited sisal and the other with knitted terry fabric (cotton). Used to massage the body. It has an elasticated strap for use in the hand. (Toilet Linen) (See photograph No 552) (*)	6302 99 00	Classification is determined by the provisions of general rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature, note 2(A) to section XI and by the text of CN codes 6302 and 6302 99 00. See also the Harmonized System explanatory notes to heading 6302.
5. Friction strap (60 × 12 × 2 cm), consisting of knitted ramie (predominating by weight) and cotton with an intermediate layer of plastic sponge. Used to massage the body. The strap has a textile cord at either end enabling it to be used. (Toilet Linen) (See photograph No 553) (*)	6302 99 00	Classification is determined by the provisions of general rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature, note 2(A) to section XI and by the text of CN codes 6302 and 6302 99 00. See also the Harmonized System explanatory notes to heading 6302.



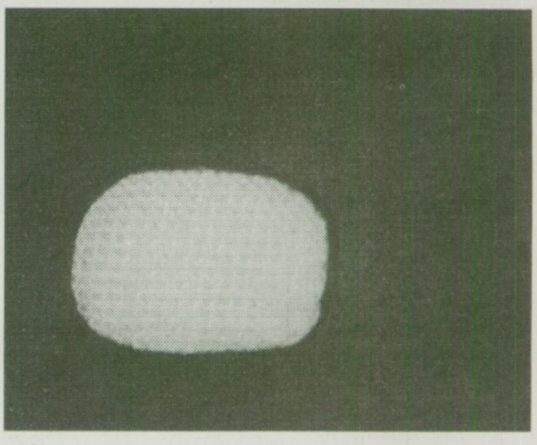
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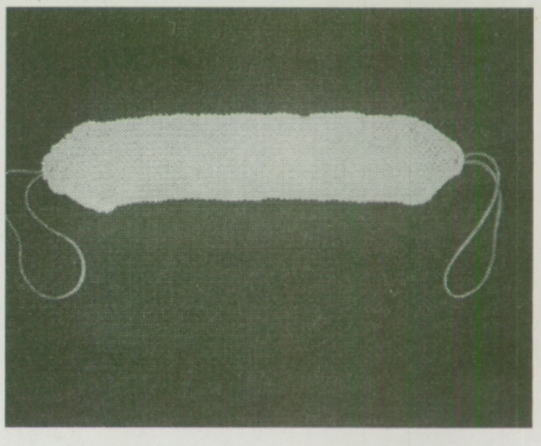
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(*) These photographs are purely for illustrative purposes.