COMMISSION REGULATION (EC) No 2518/98

of 23 November 1998

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 2248/98 [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 within 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 last amended by European Parliament and Council Regulation (EC) No 82/97 [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 within 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 products Nos 2 to 7 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 within 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, 23 November 1998.

For the Commission

Mario MONTI

Member of the Commission

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[1] OJ L 256, 7. 9. 1987, p. 1.
[2] OJ L 282, 20. 10. 1998, p. 55.
[3] OJ L 302, 19. 10. 1992, p. 1.
[4] OJ L 17, 21. 1. 1997, p. 1.

ANNEX

Description of goods	Classification (CN) code	Reason
(1)	(2)	(3)
1. An article (organiser) with the approximate dimensions 10,5 cm (width), 14 cm (length) and 4 cm (thickness). The cover of the article is made of leather. It comprises: — a leather closing strap with push-button, — a leather pen holder, — three open pockets to hold papers, — four pockets for credit cards, — a flip-out pocket with transparent plastic, — a pocket with a zip. The cover is for repeated use. The cover also has a ring-binder mechanism for retaining the removable inner pages. The pages are composed of: — a calendar with daily, weekly, monthly and yearly overviews, — a telephone register, — eight pockets for credit cards made of plastic, — dividing sheets of paperboard	4205 00 00	Classification is determined by the provisions of General Rules 1 and 3b for the interpretation of the Combined Nomenclature and the wording of CN code 4205 00 00. The leather cover is the component which gives the whole article its essential character
2. Drawing book for children, consisting of a set with the following components: — a booklet with detachable cards which are used as models for the drawing activities, with short instructions, — 10 plastic bottles with coloured sand, — a plastic pocket containing several coloured envelopes and cards. These cards have an adhesive surface with removable top layer strips which corresponds to the designs of the sand painting, — a printed paperboard cover which has the abovementioned components glued on the inside	4903 00 00	Classification is determined by the provisions of General Rules 1 and 3b for the interpretation of the Combined Nomenclature and the wording of CN code 4903 00 00. By applying General Rule 3b the booklet with detachable cards which are used as models for the drawing activities is the component which gives the whole its essential character as a drawing book
3. Manuals for creating cross-stitch embroideries in the form of: — a folded paperboard card or — booklets with a cover of paperboard and inner pages of paper. The cover is printed with a colour front page, a sales price, the author's name and the manual's number. The inner parts or pages contain predominantly figures which represents models for cross-stitch work and less text showing the necessary thread type, colours and general stitching explanations	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, 4911 99 and 4911 99 00. The goods are not classifiable within heading 4902 because they are not issued in a continuous series under the same title. Because they are not intended mainly for reading, the goods can not be classified within heading 4901

Description of goods	Classification (CN) code	Reason
(1)	(2)	(3)
4. Footwear with uppers of textile material, with outer soles of plastics, covered with a layer of woven textile material approximately 1 mm thick which has poor wearing properties. This woven textile material makes contact with the ground	6404 19 90	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 4b to chapter 64, and the wording of CN codes 6404, 6404 19 and 6404 19 90. The application of the abovementioned chapter note results in the outer soles having to be regarded as plastic soles. These goods are therefore not classifiable within CN code 6405
5. New (all terrain) four-wheeled vehicles with a single-cylinder 4-stroke 395-cm^3 spark ignition internal combustion piston engine, a gearbox with five forward speeds plus reverse and twin hydraulic front brakes. The vehicles have a seat for one passenger only and handle bar mounted controls. The steering mechanism is based on the Ackerman principle. They are equipped with rack porters and a towing hook and have a towing capacity of 880 kg (braked). They are further equipped with an hour meter, an oil cooler and a limited slip differential. Dimensions (length, width, height): 1 944 mm, 1 156 mm, 1 080 mm, dry weight: 249 kg See photograph (*)	8703 21 10	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 8703, 8703 21 and 8703 21 10. The vehicles which are suitable both for the transport of people in difficult terrain (e.g. for leisure purposes) and for hauling or pushing another vehicle, appliance or load do not fulfil the requirements of note 2 to chapter 87 as they are not constructed essentially for hauling or pushing another vehicle, appliance or load
6. Battery powered electronic apparatus in a flat, round plastic housing approximately 6 cm in diameter containing an LCD display, a miniaturised loudspeaker, several push buttons and a keyholder. The toy represents a 'virtual creature', which has to be kept 'alive' by using the input buttons. In addition, the apparatus can display the time See illustration (*)	9503 90 32	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 9503, 9503 90 and 9503 90 32. The product does not have the characteristics of a parlour game of heading 9504, as it lacks the necessary competitive element
7. Inflatable ring made of colourful printed plastic foil with animal features on it (dorsal fin, tail fin and pectoral fin of a fish). The ring is designed for use in water. The ring has an outer diameter of about 40 cm and an inner diameter of about 20 cm. It has a security valve See photograph (*)	9503 90 32	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 9503, 9503 90 and 9503 90 32. This toy is intended for children's recreation and amusement in shallow water and is inadequate as a safety device in emergencies in deep water

Product No 5



Product No 6



Product No 7



(*) The illustrations/photographs are purely for information.