COMMISSION REGULATION (EC) No 1218/1999

of 14 June 1999

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 861/1999 [2], and in particular Article 9 thereof,

(1) 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;

(2) 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;

(3) 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;

(4) 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;

(5) 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 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*.

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

Done at Brussels, 14 June 1999.

For the Commission

Mario MONTI

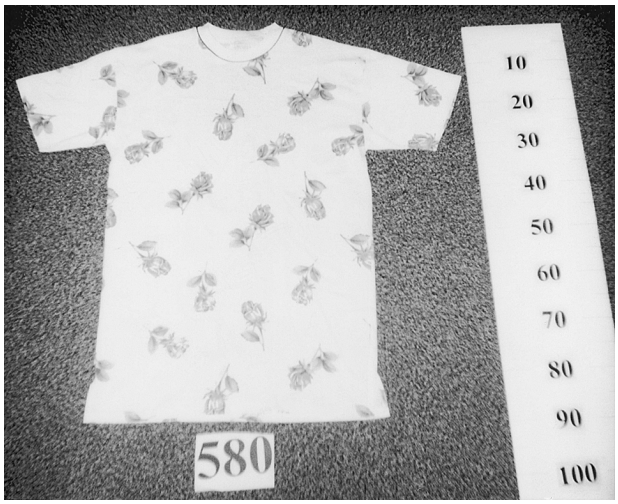
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 108, 27.4.1999, p. 11.
[3] OJ L 302, 19.10.1992, p. 1.

ANNEX

Description	Classification CN code	Grounds
(1)	(2)	(3)
1. Garden canopy measuring 3 m × 3 m, consisting of a woven fabric made of polyethylene strip less than 5 mm wide, coated on both sides with plastic material, which is visible to the naked eye. The article is presented with metal uprights which make up its framework and tensioning devices by means of which it can be fixed to the ground	3926 90 91	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 2(a) to Chapter 59 and the wording of CN codes 3926, 3926 90 and 3926 90 91
2. Lightweight, loose-fitting knitted garment (100 % cotton), covered with printed decorative motifs, going down to mid-thigh length (total length 90 cm). It has a round neckline with an applied welt of knitted fabric, and short sleeves. The sleeve-ends and the bottom of the garment are hemmed and there are side slits of approximately 10 cm at the bottom (Dress) (See photograph No 580) (*)	6104 42 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 6104 and 6104 42 00. See also the Combined Nomenclature Explanatory Notes to codes CN 6104 41 00 to 6104 49 00. Classification as a nightdress is excluded, because the garment in question, by reason of its objective characteristics, may be worn equally in bed and elsewhere and, therefore, is not intended to be worn exclusively or essentially as nightwear. Because of the length of this garment, it cannot be classified under CN code 6109
3. Lightweight, loose-fitting knitted garment (100 % cotton), covered with printed decorative motifs, going down to below the knees (total length 120 cm), and sleeveless. It has a low, round neckline with an applied welt of knit fabric. The bottom of the garment is hemmed and has side slits of approximately 22 cm (Dress) (See photograph No 581) (*)	6104 42 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 6104 and 6104 42 00. See also the Combined Nomenclature Explanatory Notes to codes CN 6104 41 00 to 6104 49 00. Classification as a nightdress is excluded, because the garment in question, by reason of its objective characteristics, may be worn equally in bed and elsewhere and, therefore, is not intended to be worn exclusively or essentially as nightwear. Because of the length of this garment, it cannot be classified under CN code 6109.
4. Garment of self-coloured 100 % polyamide woven fabric of a thickness of 0,1 mm, coated on the inside with non-cellular plastic material (polyurethane) and with quilted lining. The garment has two collars, one of which is made of a knitted brushed-pile fabric, and a complete opening at the front, fastening left over right by means of press-studs. It has long sleeves with zips at the ends and two inset pockets at waist level. The garment reaches down to the hips (total length 75 cm), and has a tightening facility at the bottom. (Garment similar to an anorak) (See photograph No 583) (*)	6201 93 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(a)(1) to Chapter 59, Note 8 to Chapter 62 and the wording of CN codes 6201 and 6201 93 00. The garment is made from a fabric whose coating is not visible to the naked eye

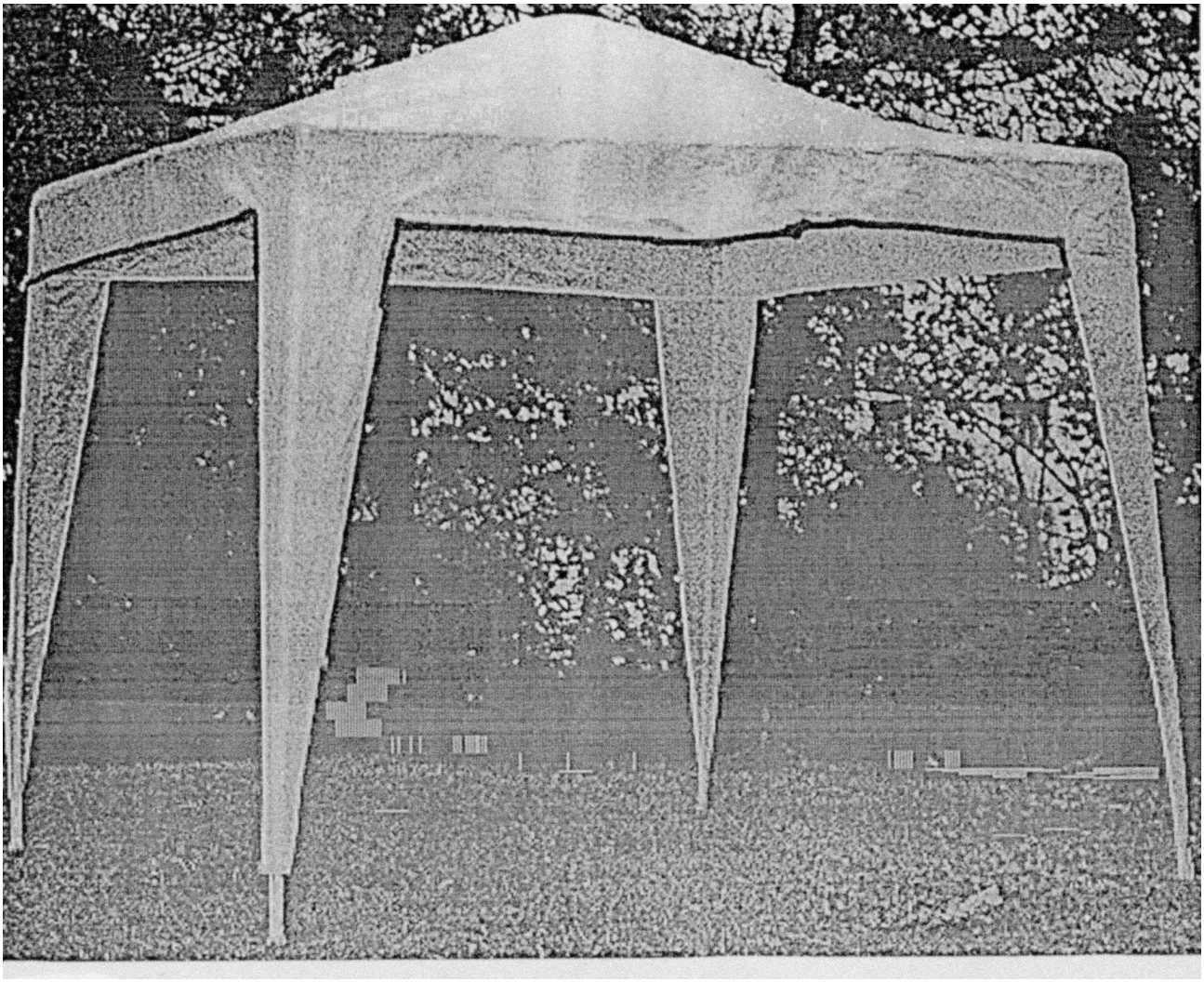
Description	Classification CN code	Grounds
(1)	(2)	(3)
5. Woven garment of two-tone synthetic (100 % nylon), fabric, sleeveless, covering the upper part of the body to the hips. It has a V-neck and a full opening at the front with a zip fastener and is tightened at the bottom by elastic. The lower parts of the wide armholes are partly elasticated. The garment has an outside pocket with a 'Velcro-type' fastening, belt loops and an adjustable fabric belt with a fastening device. The garment is entirely lined. It contains two panels at the front and one panel at the back all of which are made of cellular plastic material. (Other garment) (See photograph No 582) (*)	6211 43 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 8 to Chapter 62 and the wording of CN codes 6211, 6211 43 and 6211 43 90. See also the Harmonised System Explanatory Notes to heading 6211. The garment, by virtue of its objective characteristics, may not be considered as a life-jacket of heading 6307
6. Garden canopy measuring 3 m × 3 m, consisting of a covering made of thick 100 % cotton woven fabric, presented with metal uprights which make up its framework and tensioning devices by means of which it can be fixed to the ground. The fabric forms a roof, covering the four uprights. (See photograph No 588) (*)	6306 91 00	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 1 to Chapter 63 and the wording of CN codes 6306 and 6306 91 00. This article cannot be considered a tent because it is open on all four sides


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(*) The photographs are purely for information.