COMMISSION REGULATION (EC) No 169/1999

of 25 January 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 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 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

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, 25 January 1999.

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)	Reasons
(1)	(2)	(3)
1. Mixture of flour for the preparation of rye bread consisting of (percentage by weight): — rye flour: 50,0 — wheat flour: 48,6 — wheat gluten: 1,4	1101 00 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1101 00 and 1101 00 90
2. Mixture of flour for the preparation of multigrain bread consisting of (percentage by weight): — common wheat flour: 78,5 — rye flour: 7,0 — oat flour: 4,0 — rice flour: 4,0 — barley flour: 2,0 — milled germ: 1,0 — wheat gluten: 3,5	1101 00 15	Classification is determined by General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1101 00 and 1101 00 15
3. Flour for bread making consisting of (percentage by weight): — common wheat flour: 99,85 — salt: 0,15 and very small quantities of amylase and anti-oxidant (E300)	1101 00 15	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1101 00 and 1101 00 15
4. Bread-making preparation based on flour for making farmhouse loaf consisting of (percentage by weight): — common wheat flour: 88 — rye flour: 10 — dried rye leaven: 1 — baker's yeast, emulsifier: 1 and very small quantities of amylase and anti-oxidant (E300)	1901 20 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1901 and 1901 20 00. The addition of baker's yeast and rye leaven means the product has the characteristics of a mixture for the preparation of bakers' wares of heading 1905 and it is excluded from Chapter 11 according to note 1(b) of this chapter.
5. Tablets of 550 mg containing 200 mg calcium ascorbate (salt of the vitamin C), 342 mg of an excipient consisting of dicalcium phosphate, micro-crystalline cellulose, cross-linked sodium carboxy methylcellulose and stearic acid and 8 mg magnesium stearate as an anti-caking agent	2106 90 92	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2106, 2106 90 and 2106 90 92. The product is excluded from heading 2936 because of the presence of additives, which are not covered by note 1(f) and (g) of Chapter 29 and by the application of the Explanatory Notes to the Harmonised System, heading 2936, last paragraph, under (d)
6(a). A paste based on silver (high concentration) — Silver: 72,0 % — Cadmium compound: 8,9 % — Lead compound: 8,9 % 6(b). A paste based on silver (medium concentration) — Silver: 45,0 % — Cadmium compound: 3,5 % — Lead compound: 3,5 % The products are used to apply electronic circuits onto enamelled steel sheets by means of a heat treatment.	3207 30 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 (c) of Chapter 71, and by the wording of CN codes 3207 and 3207 30 00. See also the Explanatory Notes to the Harmonised System, heading 7106

Description of goods	Classification (CN code)	Reasons
(1)	(2)	(3)
7. Powdered toner, with magnetic properties, used as a developer for photocopying machines. Composition: — Styrene and butyl acrylate copolymer: 40 % — Polypropylene: 3 % — Magnetite: 56 % — Silica: < 1 %	3707 90 30	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3707, 3707 90 and 3707 90 30. See also the Explanatory Notes to the Harmonised System, heading 3215, point (a) and heading 3707, point (2)
8. Creamy-white powders, consisting of montmorillonite with 30 % added stearylamine. These powders of an organophylic nature, are miscible with organic solvents and they display a loss of 35 % mass when heated at 600 °C	3824 90 95	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3824, 3824 90 and 3824 90 95. This product is not considered activated within the meaning of heading 3802. See also the Explanatory Notes to the Harmonised System, heading 3824, (40)