COMMISSION REGULATION (EC) No 517/1999

of 9 March 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 [1] on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EC) No 2261/98 [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 under 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 under 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, 9 March 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 292, 30. 10. 1998, p. 1.
[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. A multifunctional apparatus capable of performing the following functions: — faxing, — line telephony, — telephone answering, — scanning, — printing, — photocopying. The apparatus operates either in an autonomous form (as a fax transmitter, a fax receiver and a copier) or in conjunction with a computer (as a printer, scanner and fax machine). The machine also includes a document copying function (four pages per minute) available in autonomous mode. See illustration A (*)	8517 21 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI, Note 5.E to Chapter 84 and the wording of CN codes 8517 , 8517 21 and 8517 21 00. The principal function of the apparatus is considered to be that of faxing
2. A multifunctional apparatus (so-called 'digital copier') capable of performing the following functions: — scanning, — printing, — faxing, — photocopying (indirect process). The apparatus which has several paper feed trays is capable of reproducing up to 30 A4 pages per minute. The apparatus operates either in an autonomous form (as a copier, printer and a fax machine) or in conjunction with a computer or in a computer network (as a printer, scanner, fax machine and a copier). See illustration B (*)	9009 12 00	Classification is determined by the provisions of General Rules 1, 3c and 6 for the interpretation of the Combined Nomenclature, Note 5.E to Chapter 84 and the wording of CN codes 9009, 9009 12 and 9009 12 00. The apparatus has several functions none of which are considered to give the product its essential character

Illustration A

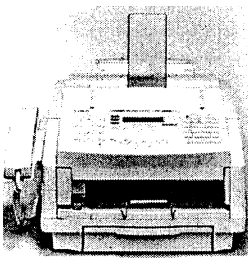
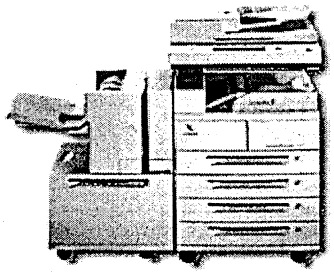


Illustration B



(*) The illustrations are purely for information.