COMMISSION REGULATION (EC) No 1508/2000
of 11 July 2000
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 Regulation (EC) No 1264/2000 [2], and in particular Article 9 thereof,

Whereas:

(1) 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) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. 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.

(3) 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 CN codes indicated in column 2, by virtue of the reasons set out in column 3.

(4) It is appropriate 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 does not conform to the provisions of 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 Council and European Parliament Regulation (EC) No 955/1999 [4], for a period of three months by the holder.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of 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 20th 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, 11 July 2000.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 144, 17.6.2000, p. 6.
[3] OJ L 302, 19.10.1992, p. 1.
[4] OJ L 119, 7.5.1999, p. 1.

ANNEX

Description of goods	Classification (CN) code	Reason
(1)	(2)	(3)
1. A set, consisting of vampire teeth made of plastic and a small plastic tube containing a red liquid ('artificial blood'). The set is made up in packaging for retail sale.	9503 70 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined Nomenclature and the wording of the CN codes 9503 and 9503 70 00. The components of this set are intended for entertainment purposes (presentation of the role of a vampire)
2. A set, consisting of a representation of a human skull made of plastic (approximately 10 cm long, 5 cm wide and 0,5 cm high), in which the eye, nose and mouth cavities contain different coloured make-up preparations, and a stick with ends made from synthetic foam material for applying the make-up. The set is made up in packaging for retail sale.	3304 99 00	Classification is determined by the provisions of General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature, Note 2 to Section VI, Note 3 to Chapter 33 and the wording of the CN codes 3304 and 3304 99 00. The make-up preparations determine the essential character of the set
3. A device ('digital film recorder'), consisting of a cathode ray tube, a camera back with a colour filter and various electronic assemblies, mounted in a common housing. The device works in conjunction with an automatic data-processing machine. The cathode ray tube transfers images from the automatic data-processing machine on film material (instant images or negative film on rolls of width of 35 mm or more) inserted in the camera back.	9006 59 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5 B and 5 E to Chapter 84 and the wording of the CN codes 9006 and 9006 59 00. Although this device works in conjunction with an automatic dataprocessing machine it has the characteristics of an apparatus of heading 9006

Description of goods	Classification (CN) code	Reason
(1)	(2)	(3)
4. A set of electronic devices consisting of — a video game console, — a controller module, — a portable handheld module. The video game console consists of a CPU, a memory, a graphics processor, a sound processor, an optical disk drive, a modem for Internet access and various sockets such as ports for controller modules. It has a fixed operating system, which has been customised for video games. The optical disk drive is capable of reading special compact discs containing games developed for the video game console. The game programs cannot be modified by the user. The sockets enable the video console to be connected to several devices such as a television receiver, a data monitor, a keyboard, a mouse, an external storage unit or a printer. The controller module has different control buttons. They are used for playing games on the console. The controller module has to be connected to the viedo game console by cable. The portable handheld module has different control buttons for playing games, and a small LCD screen which displays gaming information. The module can download gaming information and scores and may be used to play basic games in its own right. The portable handheld module can be linked to the controller module but may also be used independently. See illustration (*)	9504 10 00	Classification is determined by the provisions of General Rules 1, 3b and 6 for the interpretation of the combined Nomenclature and the wording of the CN codes 9504 and 9504 10 00. The video game console gives the product its essential character. It is of a kind principally used with a television receiver

(*) The illustrations are purely for information.

