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COMMISSION REGULATION (EC) No 2855/2000
of 27 December 2000
concerning the classification of certain goods in the Combined Nomenclature

(OJ L 332, 28.12.2000, p. 41)

Corrected by:

►**C1** Corrigendum, OJ L 44, 15.2.2001, p. 48 (2855/2000)

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COMMISSION REGULATION (EC) No 2855/2000

of 27 December 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 2559/2000 [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, 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 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 European Parliament and Council Regulation (EC) No 2700/2000 [4], for a period of 60 days 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

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 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 60 days.

(1) OJ L 256, 7.9.1987, p. 1.
(2) OJ L 293, 22.11.2000, p. 1.
(3) OJ L 302, 19.10.1992, p. 1.
(4) OJ L 311, 12.12.2000, p. 17.

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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.

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ANNEX

Description	CN code	Reasons
(1)	(2)	(3)
1. Toilet sets distributed by airlines to passengers (during their flight or at their destination if their baggage is not available), consisting of a rectangular fabric bag (approximately 25 × 16 × 12 cm) coated inside with plastics and containing small quantities, for limited use, of products such as:	4202 92 91	Classification is determined by General Notes 1 and 6 for the interpretation of the Combined Nomenclature and the wording of the relevant CN codes The articles do not form a travel set for personal toilet of heading 9605 nor do they form a set of General Rule 3b (separate classification of each of the articles)
— 1 bottle (40 ml) of liquid soap,	3401 20 90	
— 1 bottle (40 ml) of body milk,	3304 99 00	
— 1 bottle (40 ml) of eau de Cologne,	3303 00 90	
— 1 disposable razor with shaving cream and after-shave, put up in the same case,	9605 00 00	
— 1 toothbrush,	9603 21 00	
— 1 tube of toothpaste,	3306 10 00	
— 1 shoe cleaner,	3405 10 00	
— 1 sewing kit,	9605 00 00	
— 3 paperboard nail files,	6805 20 00	
— 1 comb, of plastics,	9615 11 00	
— 10 cellulose-wadding handkerchiefs,	4818 20 10	
— 1 clothes brush,	9603 90 91	
— 1 shoehorn of plastics,	3926 90 99	
— 1 pair of knitted slippers without soles, (100 % cotton)	6115 92 00	
— 1 toilet glove, of terry toweelling or similar terry fabrics (100 % cotton),	6302 60 00	
— 1 pair of knitted unisex pyjamas, consisting of a short-sleeved T-shirt (50 % polyester/ 50 % acrylic) and 1 pair of shorts (100 % acrylic)	6109 90 30 ►C1 61046390 ◄	
2. Straight cut, lightweight, loose-fitting knitted garment (100 % cotton), of one colour, with the imprint ‘Don’t wake the sleepy lion’ and other decorative motifs printed on the front and on the sleeves, going down to mid-thigh length (total length 90 cm). It has a round neckline with no opening, with an applied welt of knitted fabric, and short sleeves. The sleeve ends and the bottom of the garment are hemmed (dress) (See photograph No 604) (*)	6104 42 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 9 to Chapter 61 and the wording of CN codes 6104 and 6104 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. Straight cut, lightweight, loose-fitting knitted garment (100 % cotton), of one colour, with a decorative motif and the imprint ‘Good Night’ printed on the front, going down to mid-thigh length (total length 90 cm), and with short sleeves It has a round neckline with no opening, with a semi-circular insert at the back in a different colour. It also has an applied welt on knitted fabric at the sleeve ends made of a different colour but of the same material. the neckline and the bottom of the garment have decorative seams (dress) (See photograph No 605) (*)	6104 42 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 9 to Chapter 61 and the wording of CN codes 6104 and 6104 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

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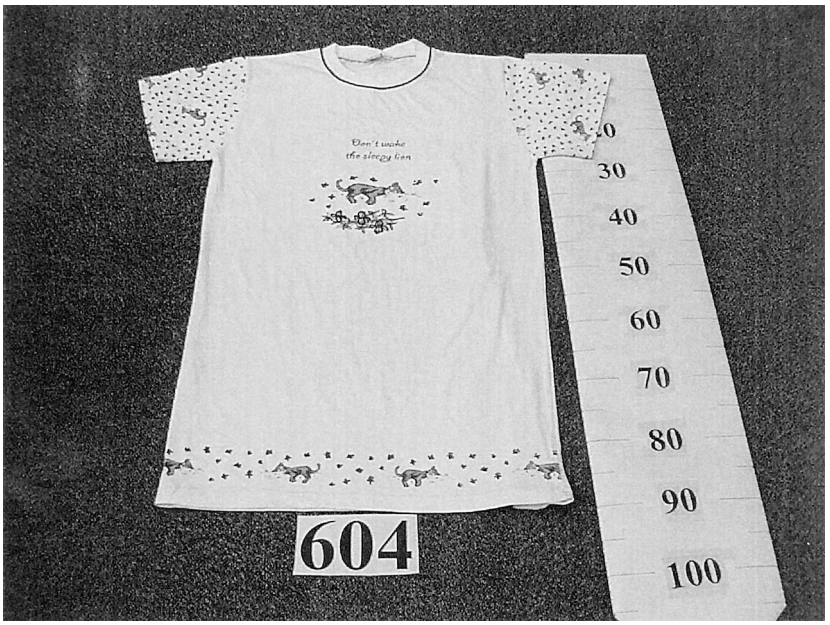
Description	CN code	Reasons
(1)	(2)	(3)
4. Straight cut, striped, lightweight, loose-fitting knitted garment (60 % cotton, 40 % polyester), for a child whose height is greater than 86 cm (commercial size greater than 86), with the stitched inscription 'Sleep Wear' and other embroideries on the front. This garment goes down to the knees (total length 82 cm) It has a round neckline with an applied welt of knitted fabric with a partial opening with a button fastening right over left, and short sleeves The neckline, the sleeve ends and the bottom of the garment have an applied welt of knitted fabric with a decorative border. The bottom of the garment is curved and has side slits of approximately 10 cm long (dress for girls) (See photograph No 606) (*)	6104 42 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(A) to Section XI, Subheading note 2(A) to Section XI, Note 9 to Chapter 61 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
5. Set of three garments put up for retail sale made up of:		
(a) Single coloured woven garment of synthetic fibres (100 % polyamide), intended to cover the upper part of the body reaching down to the hips (total length: 67 cm), with a knitted lining The garment has a high-fitting collar, an integrated hood, a complete opening at the front with a zip fastening with a protective flap fastening left over right by means of press studs. It has long sleeves with elastication and a 'Velcro'-type tightening facility at the sleeve ends. It has a drawstring at the collar and elastic at the base of the garment It has two inside pockets above the waist fastened by zip fasteners and two outside pockets below the waist with protective flaps fastened by press studs. There are storm flaps on the front and on the back of the garment and a facility to retain a buoyancy device within the garment (Anorak) (See photograph No 607 A) (*)	6201 93 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 13 to Section XI, Notes 3(b) and 8 to Chapter 62 and the wording of CN codes 6201 and 6201 93 00 Taking into account that these garments do not have the same fabric construction, colour and composition or the same style, they cannot be classified as an 'ensemble' following the provisions of note 3(b) to Chapters 61 and 62 See also the explanatory notes to the Combined Nomenclature relating to CN codes 6201 91 00 to 6201 99 00
(b) Single coloured knitted garment of man-made fibres, intended to cover the upper part of the body reaching down to just below the waist (total length: 65 cm), with a partial lining at the front and the arms The garment has a high fitting collar, a complete opening at the front with a zip fastening, and long sleeves with elastication at the sleeve ends and a drawstring at the base of the garment. The garment also has two inside pockets at the front at waist level which are fastened by zip fasteners and is made up of cut and sewn panels (wind-jacket) (See photograph No 607 B) (*)	6102 30 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 13 to Section XI, Notes 3(b) and 9 to Chapter 61 and the wording of CN codes 6102, 6102 30 and 6102 30 90 Taking into account that these garments do not have the same fabric construction, colour and composition or the same style, they cannot be classified as an 'ensemble' following the provisions of note 3(b) to Chapters 61 and 62 See also the explanatory notes to the Combined Nomenclature relating to heading 6102

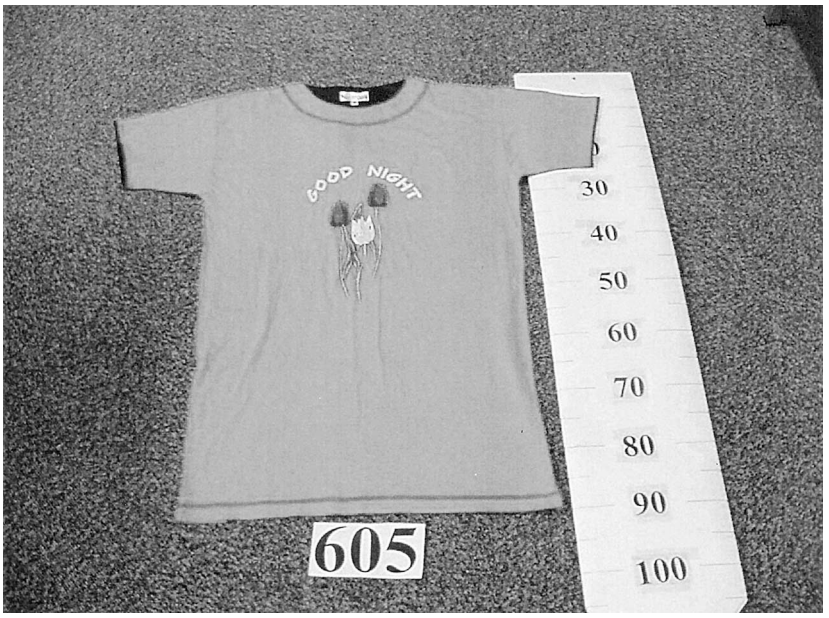
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Description	CN code	Reasons
(1)	(2)	(3)
(c) A pair of single coloured woven trousers of synthetic fibres (100 % polyamide), intended to cover the lower part of the body reaching down to the ankles, with a woven lining and two interior pockets It has a partial opening at the front with a zip fastener and a press stud with a covering flap closing left over right The two legs of these trousers have zip fastenings over the whole length covered by a protective flap with 'velcro'-type fastening and can be tightened at the bottom by a 'velcro'-type strip (trousers) (See photograph No 607 C) (*)	6203 43 19	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 13 to Section XI, Notes 3(b) and 8 to Chapter 62 and the wording of CN codes 6203 6203 43 and 6203 43 19 Taking into account that these garments do not have the same fabric construction, colour and composition or the same style, they cannot be classified as an 'ensemble' following the provisions of note 3(b) to Chapters 61 and 62

(*) The photographs are purely for information.

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Don't wake
the sleepy lion
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GOOD NIGHT
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