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COMMISSION REGULATION (EC) No 1400/2001
of 10 July 2001
concerning the classification of certain goods in the Combined Nomenclature

(OJ L 189, 11.7.2001, p. 5)

Corrected by:

►**C1** Corrigendum, OJ L 191, 13.7.2001, p. 49 (1400/2001)

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COMMISSION REGULATION (EC) No 1400/2001

of 10 July 2001

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 1230/2001 [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 this 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 Regulation (EC) No 2700/2000 of the European Parliament and of the Council [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.

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[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 168, 23.6.2001, p. 6.
[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 of the goods	Classification (CN) code	Reasons
(1)	(2)	(3)
A liquid soap dispenser in the form of a base metal container on top of which is mounted a push-button operated piston pump consisting of a plunger spring, a sealing plunger, a rod and a plunger tube. See photograph (*)	8479 89 98	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 8479, 8479 89 and 8479 89 98
An apparatus (console) presented in a box for retail sale, together with a controller module with a connecting cable, a CD-ROM, a cable to connect the console to audio/video device and a power supply cable. The console includes the following components: — a central processing unit (CPU), — a 32 Mbits DRAM main memory module, — a digital versatile disk (DVD) drive, a graphics chip, — a graphics chip, — 2 universal serial bus (USB) connector ports, — 2 controller module ports, — 2 memory card slots, — an audio/video connector port (IEEE 1394), — an optical digital output connector port. Besides the controller module, several devices can be connected to the console such as a standard keyboard, a mouse, a television receiver, a data monitor or a printer. A drive bay inside the console allows incorporation of a hard disk drive and an Ethernet adaptor. The apparatus is capable of: — processing dedicated software for playing video games, — converting digital information from DVD video disks or audio CDs into video/audio signals for reproduction by television receivers or audio systems, — being programmed in 'YABASIC'. The controller module has several control buttons, which are mainly used for playing video games. The CD-ROM includes the programming language 'YABASIC' as well as several video games and videos. See photograph (*)	9504 10 00 ►C1 8524 39 90 ◄	Classification is determined by the provisions of General Rules 1, 3b) and 6 for the interpretation of the Combined Nomenclature, note 6 to Chapter 85 and the wording of the CN codes 8524, 8524 39, and 8524 39 90 as well as 9504 and 9504 10 00 Of the various functions (including playing video games, playback of CD audio, DVD video, automatic data processing, etc.), playing video games gives the apparatus its essential character and determines classification under heading 9504 as a game console

(*) The photographs are purely for information.

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