COMMISSION REGULATION (EC) No 2147/2001
of 31 October 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 2031/2001 [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 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 European Parliament and Council Regulation (EC) No 2700/2000 [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, 31 October 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 279, 23.10.2001, p. 1.
[3] OJ L 302, 19.10.1992, p. 1.
[4] OJ L 311, 12.12.2000, p. 17.

ANNEX

Description of goods	Classification CN code	Reasons
(1)	(2)	(3)
A preparation in the form of a solution put up in pressurised spray cans for retail sale. The composition is as follows (percentage by weight): 1) Insecticides: — permethrine: 1 — malathion: 0,5 — piperonyl butoxide: 4 2) Isododecane: 94,5 and propellent (butane/propane). The preparation, containing insecticides against head lice and nits, is sprayed on the dry hair and scalp before using a shampoo	3808 10 10	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3808, 3808 10 and 3808 10 10 See also HS Explanatory Note to heading 3808 The preparation does not contain any ingredients conferring the product the properties of a preparation for the use on the hair and, consequently, it is excluded from heading 3305 The preparation is not intended for therapeutic or prophylactic use, within the meaning of heading 3004