COMMISSION REGULATION (EC) No 141/2002
of 25 January 2002
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 2433/2001 [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 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.

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, 25 January 2002.

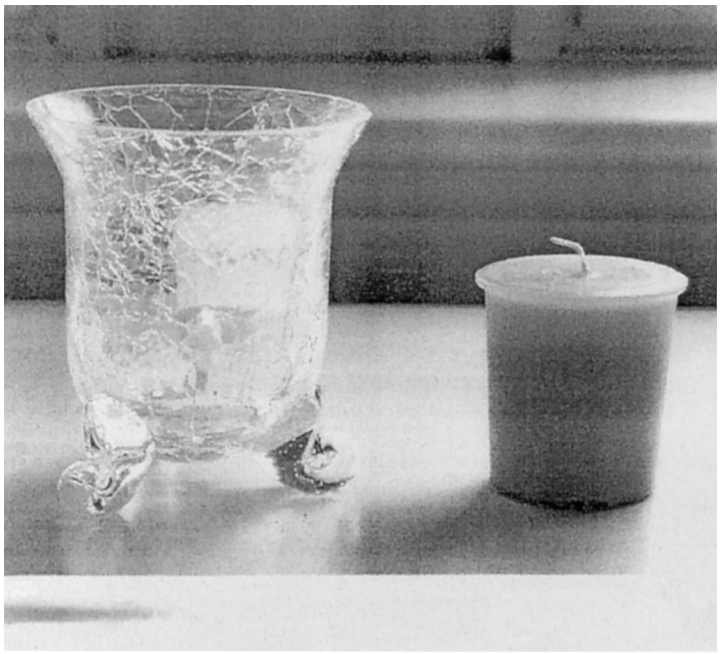
For the Commission
Frederik BOLKESTEIN
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 329, 14.12.2001, p. 4.
[3] OJ L 302, 19.10.1992, p. 1.
[4] OJ L 311, 12.12.2000, p. 17.

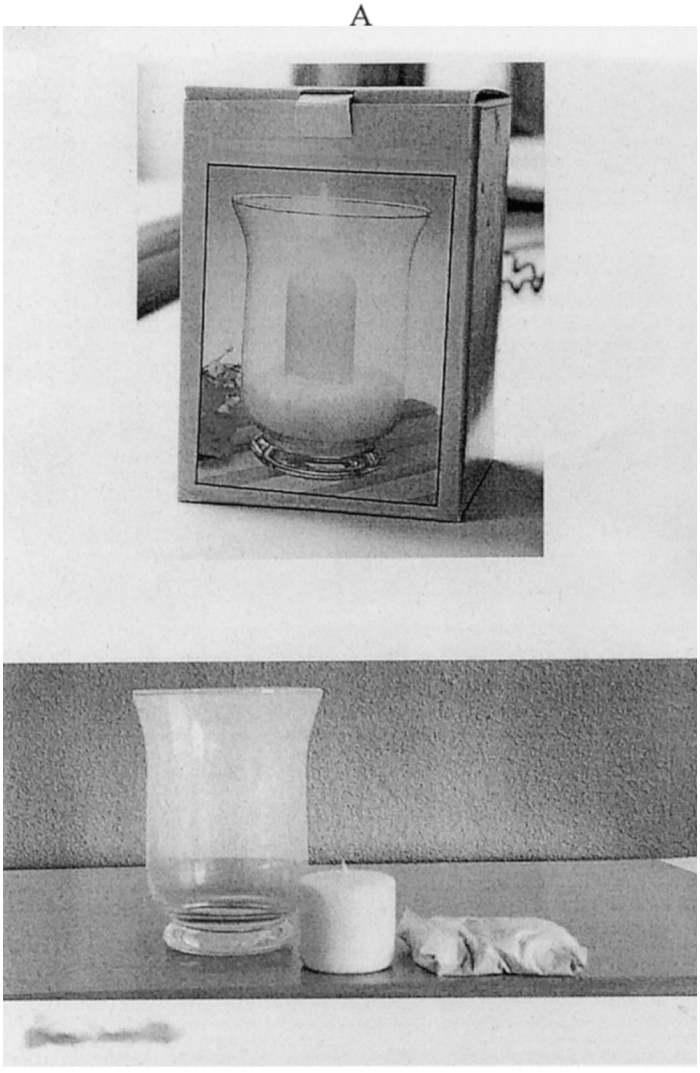
ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A crackled-glass receptacle with three glass feet, of a height of approximately 9 cm, with, at the top, a circular opening of a diameter of approximately 7,5 cm. A candle can be placed in the receptacle The receptacle is presented without a candle (See photograph A) (*)	7013 99 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 7013 and 7013 99 00 The receptacle is not designed to hold a candle in a fixed position and, therefore, does not have the characteristics of a candlestick of heading 9405
2. Three articles, put up in a set in a cardboard box for retail sale, consisting of: — a colourless-glass receptacle, of a height of approximately 15 cm, with, at the top, a circular opening of a diameter of approximately 11 cm, — a cylindrical candle, of a height of approximately 4,5 cm and a diameter of approximately 5 cm, — approximately 150 g of fine sand contained in a plastic bag The candle is to be placed on the sand in the bottom of the receptacle (See photographs B) (*)	7013 99 00	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 7013 and 7013 99 00 The three articles fulfil the criteria for classification as goods put up in sets. The glass receptacle is the article, which give the set its essential character The receptacle is not designed to hold the candle in a fixed position and, therefore, does not have the characteristics of a candlestick of heading 9405

(*) The photographs are purely for information.



A



B