COMMISSION REGULATION (EC) No 1386/2003
of 1 August 2003
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) 2176/2002 [2], and in particular Article 9(1) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, 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 laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also 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 those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under 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].

(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 table set out in the Annex shall be classified in the Combined Nomenclature in the corresponding CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with the provisions of this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 1 August 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 331, 7.12.2002, p. 3.
[3] OJ L 302, 19.10.1992, p. 1.
[4] OJ L 311, 12.12.2000, p. 17.

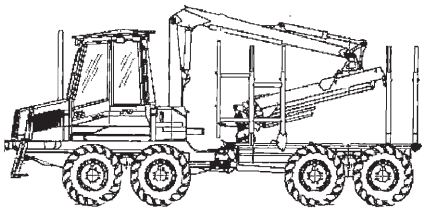
ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
1. A digital stencil duplicator with a scanner for the digitisation and electronic processing of the text and images to be reproduced. The apparatus uses a stencil (master) consisting of a vegetable-fibre film with a plasticised coating to burn the data by means of a thermal head. The burned stencil is conveyed to a printing drum and fixed there. The paper sheets for printing are pressed against the drum by a pressure roller. The apparatus has a multi-speed printing system (60, 80, 100 and 120 copies a minute). It is equipped with a control panel incorporating a liquid crystal display, an automatic sorter, paper trays and a receiving tray with side guides. The machine functions as a stand-alone apparatus but can be connected to an automatic data-processing machine.	8472 10 00	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 8472 and 8472 10 00. The product is a stencil duplicator that can operate in a stand-alone mode. Therefore classification under heading 8443, 8471 and 9009 is excluded. See also HS explanatory notes to heading 8472, item 1.
2. Muscle-exercise kit, presented in a plastic carrying case, consisting of a battery operated electronic unit with cables, eight electrodes and two adjustable elasticated straps. The electrodes are held in place on the human body by the straps and are connected by cables to the electronic unit. Electric impulses are transmitted through the electrodes to stimulate repeated contraction of the muscles. The strength of the impulses can be increased or decreased.	8543 89 95	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 8543, 8543 89 and 8543 89 95. The kit is excluded from heading 9018 as it is not intended for use as an instrument or appliance for use in medical science. The kit is excluded from heading 9019 as it is not used to treat diseases of muscles or as massage apparatus. The kit is excluded from heading 9506 as it is not intended for physical exercise.
3. New articulated vehicle designed for off-highway use, for the transport of timber both on rough ground and on forest tracks. It has a maximum gross vehicle weight of 19,7 tonnes and a load capacity of 8,5 tonnes. The vehicle consists of: — a four-wheeled towing unit with diesel engine, drivers cabin, and a permanently attached hydraulic crane for load handling, — a four-wheeled load-unit for the transport of tree trunks, permanently connected by a special coupling to the towing unit. (See illustration A) (*).	8704 22 91	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 8704, 8704 22 and 8704 22 91. The vehicle is designed essentially for the transport of goods and not for hauling or pushing other vehicles, appliances or loads. Therefore, it does not fulfil the requirements of note 2 to Chapter 87. Furthermore, it cannot be regarded as a special purpose motor vehicle of heading 8705.

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
4. New, four-wheeled motor vehicle, with a combustion piston engine of a cylinder capacity of 286 cm³, a gross weight of approximately 620 kg and approximate dimensions of 263 cm (length) x 122 cm (width) x 122 cm (height). The vehicle load capacity is approximately 364 kg. The dimensions of the open load area are 96 cm x 115 cm. It has a maximum speed of 24,1 km/h. The vehicle has an open cabin and a bench seat for two persons (including the driver). It has a tilt cargo box with a flip down tailgate. (See photograph B) (*).	8704 31 91	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 8704, 8704 31 and 8704 31 91. The vehicle is designed essentially for the transport of goods and not for hauling or pushing other vehicles, appliances or loads. Therefore, it does not fulfil the requirements of note 2 to Chapter 87. Furthermore the vehicle is not principally designed for the transport of persons (heading 8703) nor as a works truck for short distance transport of goods (heading 8709).
5. Four-wheeled motor vehicle, driven by a battery powered (48 volt) electric motor, having a gross weight of approximately 620 kg and approximate dimensions of 263 cm (length) x 122 cm (width) x 122 cm (height). The vehicle load capacity is approximately 364 kg. The dimensions of the open load area are 96 cm x 115 cm. It has a maximum speed of 24.1 km/h. The vehicle has an open cabin and a bench seat for 2 persons (including the driver). It has a tilt cargo box with a flip-down tailgate. (See photograph B) (*).	8704 90 00	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 8704 and 8704 90 00. The vehicle is designed essentially for the transport of goods and not for hauling or pushing other vehicles, appliances or loads. Therefore, it does not fulfil the requirements of note 2 to Chapter 87. Furthermore the vehicle is not principally designed for the transport of persons (heading 8703) nor as a works truck for short distance transport of goods (heading 8709).
6. A set of reduced size kitchen utensils consisting of two spoons (17 cm long), one spatula (17 cm long) and two scoops (8 and 11 cm long respectively), made of wood and packaged in a plastic bag.	9503 70 00	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 9503 and 9503 70 00. The set is excluded from Chapter 44 by application of note 1(p) to this chapter.

(*) The photograph(s)/illustration(s) is/are purely for information.

(A)



(B)

