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►**B**

COMMISSION REGULATION (EC) No 594/2009

of 8 July 2009

concerning the classification of certain goods in the Combined Nomenclature

(OJ L 178, 9.7.2009, p. 14)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Commission Implementing Regulation (EU) 2020/404 of 12 March 2020	L 80	1	17.3.2020

▼B

COMMISSION REGULATION (EC) No 594/2009

of 8 July 2009

concerning the classification of certain goods in the Combined Nomenclature

Article 1

The good described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code 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 this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

▼M1

Binding tariff information issued in accordance with this Regulation as amended by Implementing Regulation (EU) No 441/2013 in respect of the goods described in column (1) of point 1 of the table set out in the Annex to this Regulation in its version adopted on 8 July 2009 may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from 6 April 2020.

▼B

Article 3

This Regulation shall enter into force on the 20th day following that of 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.

▼B

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
▼M1 _____		
▼B 2. Fluoroelastomer O-ring seals (vinylidene fluoride and hexafluoropropylene copolymer). The constituent material of this product (vinylidene fluoride and hexafluoropropylene copolymer) displays the stretching and recovery properties of elastomers, but cannot be vulcanised with sulphur. In order to cross-link, it requires basic compounds or certain peroxides.	3926 90 97	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Notes 1 and 4 to Chapter 39, Note 4(a) to Chapter 40, Note 2 to Section XVI, Note 2 to Chapter 90 and the wording of CN codes 3926, 3926 90 and 3926 90 97. This product is an elastomeric seal for general use. Therefore it is not a recognizable part of a machine in the meaning of Note 2 to Section XVI and Note 2 to Chapter 90 of the CN, and consequently excluded from Section XVI and Chapter 90. The constituent material of this product does not comply with the definition of synthetic rubbers contained in Note 4(a) to Chapter 40, since it cannot be vulcanised with sulphur. Poly (vinylidene fluoride) is a polymer belonging to Chapter 39 (see the Harmonised System Explanatory Notes (HS EN), General Notes to Chapter 39, list of abbreviations of polymers and Notes relating to heading 3904, last paragraph). Vinylidene fluoride and hexafluoropropylene copolymer is a fluorinated copolymer which should be classified in Chapter 39. Consequently, the product in question is a plastic product belonging to Chapter 39 and not specified or included elsewhere in the combined nomenclature, and should therefore be classified under CN code 3926 90 97.