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<sup>(1)</sup> Text with EEA relevance.

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2017/1266

of 11 July 2017

**repealing Regulation (EC) No 2494/96 concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code <sup>(1)</sup>, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature ('CN') annexed to Council Regulation (EEC) No 2658/87 <sup>(2)</sup>, it is necessary to adopt measures concerning the classification of certain goods.
- (2) Commission Regulation (EC) No 2494/96 <sup>(3)</sup> classified a 'sheet of polyethylene terephthalate of a thickness not exceeding 10 micrometres coated with a thermal ink and put up in rolls of a width of 62 cm' under heading 3215 of the Combined Nomenclature as 'Printing ink, writing or drawing ink and other inks, whether or not concentrated or solid'. Classification of the product under heading 3215 was based on General rule 3(b) for the interpretation of the Combined Nomenclature, but the reasoning does not go into detail as regards the possible headings to be considered when applying General rule 3(b). In particular, the reasons for the exclusion of heading 9612, which covers, apart from inkpads, 'typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges', are missing.
- (3) Regulation (EC) No 2494/96 concerns the so-called 'jumbo rolls' which are not ready-to-use products but actually rolls of a considerable length that cannot be put into a typewriter or similar machine without a further manufacturing process step. That information is missing in the product description in the Annex to Regulation (EC) No 2494/96 and the absence of that information may lead to incorrect tariff classifications of ready-to-use inked ribbons. Inked ribbons which are ready-to-use are to be classified under heading 9612.
- (4) As the product concerned by Regulation (EC) No 2494/96 is no longer available on the market, that Regulation is no longer deemed necessary. Most inked ribbons now available on the market, even of a considerable width and length, can be used directly when put into a typewriter or similar machine without a further manufacturing process step. Additionally, an explanatory note to CN subheadings 9612 10 10 to 9612 10 80 ('ribbons') will be created to provide guidance concerning the tariff classification of inked ribbons.
- (5) As a consequence, Regulation (EC) No 2494/96 should be repealed in order to avoid potential divergences in tariff classification of inked ribbons and to ensure the uniform application of the Combined Nomenclature within the Union.

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.<sup>(2)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).<sup>(3)</sup> Commission Regulation (EC) No 2494/96 of 23 December 1996 concerning the classification of certain goods in the Combined Nomenclature (OJ L 338, 28.12.1996, p. 38).

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2494/96 is repealed.

*Article 2*

This Regulation shall enter into force on the twentieth 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.

Done at Brussels, 11 July 2017.

*For the Commission,  
On behalf of the President,*

*Stephen QUEST*

*Director-General*

*Directorate-General for Taxation and Customs Union*

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1267**  
**of 11 July 2017**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code <sup>(1)</sup>, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 <sup>(2)</sup>, 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 provisions of the Union, 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 should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (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 within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 11 July 2017.

*For the Commission,  
On behalf of the President,  
Stephen QUEST  
Director-General  
Directorate-General for Taxation and Customs Union*

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## ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
<p>A product in the form of a fine, white, odourless powder consisting of microspheres (particle size &lt; 10 µm) with a density of approximately 2,1-2,5 g/cm<sup>3</sup>.</p> <p>The microspheres consist of nepheline or nepheline syenite that has been heated to make the material more ellipse-shaped and to round off the rough edges. As a result of this process, the nepheline or nepheline syenite forms a glassy surface. Nepheline and nepheline syenite are sodium potassium aluminosilicates.</p> <p>The product is used as an additive for paints, coatings and films in order to reduce volatile organic compound levels, increase filler loadings, improve hardness, and add burnish, scrub and abrasion resistance.</p>	2842 10 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 2842 and 2842 10 00.</p> <p>Classification under heading 2529 is excluded because the glassy surface of the nepheline or nepheline syenite means that its crystalline structure has been modified by the heating process (see Note 1 to Chapter 25 and also the Harmonized System Explanatory Notes (HSEN) to Chapter 25, General, second paragraph).</p> <p>Classification under heading 2621 is excluded because the product is neither slag nor ash, nor a residue from the incineration of municipal waste.</p> <p>Classification under heading 3816 is excluded because there is no added binder (see also the HSEN to heading 3816, first paragraph).</p> <p>Classification under heading 3824 is excluded because the heading which provides the most specific description is to be preferred to headings providing a more general description.</p> <p>Classification under heading 6806 is excluded because the product is not an expanded mineral material.</p> <p>Classification under heading 6815 is excluded because the product is not a finished or semi-finished 'article of mineral substances' but rather it is an ancillary material used in the manufacture of articles.</p> <p>Therefore the product is to be classified under CN code 2842 10 00 as double or complex silicates, including aluminosilicates whether or not chemically defined.</p>

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1268**  
**of 11 July 2017**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code <sup>(1)</sup>, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 <sup>(2)</sup>, 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 provisions of the Union, 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 should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (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 within the Combined Nomenclature under the CN code indicated in column (2) of that table.

*Article 2*

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).



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

Done at Brussels, 11 July 2017.

*For the Commission,  
On behalf of the President,  
Stephen QUEST  
Director-General  
Directorate-General for Taxation and Customs Union*

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## ANNEX

Description of goods	Classification (CN Code)	Reasons
(1)	(2)	(3)
<p>A product in the form of fine white wax beads of approximately 1 mm in diameter, obtained from refined palm oil.</p> <p>The product consists of:</p> <ul style="list-style-type: none"> <li>— hydrogenated hard palm stearin,</li> <li>— non-hydrogenated hard palm stearin,</li> <li>— an optical brightener (approx. 0,01 % by weight).</li> </ul> <p>Palm stearin obtained from palm oil is subjected to a multi-stage fractionation and the hard stearin (solid fraction) is separated from the soft stearin. Then, a part of the hard stearin is subjected to a hydrogenation process, and mixed with the non-hydrogenated part of the hard stearin and with an optical brightener. Subsequently, the obtained product is subjected to a beading process.</p> <p>The product is of waxy character and is used as raw material for manufacturing candles.</p> <p>The dropping point is <math>59,2\text{ °C} \pm 0,5\text{ °C}</math> and the viscosity measured with a rotational viscometer does not exceed 10 Pa.s at a temperature of <math>10\text{ °C}</math> above the dropping point.</p> <p>The product is packed in 25 kg bags.</p>	3404 90 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5, first paragraph, letter (a) to Chapter 34 and the wording of CN codes 3404 and 3404 90 00.</p> <p>Classification under heading 1516 is excluded as the product is a mixture of hydrogenated hard stearin and non-hydrogenated hard stearin. The product has been prepared beyond the scope of heading 1516, and is neither an oil nor a fat. Moreover, the presence of the optical brightener excludes the product from heading 1516.</p> <p>Classification under heading 1517 is excluded as the product is not an edible mixture or preparation covered by the scope of heading 1517.</p> <p>Classification under heading 1521 is excluded as the product is mainly composed of palm stearin which is a triglyceride.</p> <p>In accordance with Note 5, first paragraph, letter (a) to Chapter 34, chemically produced organic products of a waxy character, whether or not water-soluble, are covered by heading 3404. The product also fulfils the criteria of artificial wax (see also the Harmonised System Explanatory Notes to heading 3404, letter A).</p> <p>The product is therefore to be classified in CN code 3404 90 00 as other artificial waxes and prepared waxes.</p>

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1269****of 13 July 2017****amending Implementing Regulation (EU) 2015/949 as regards withdrawal of groundnuts (peanuts) from the United States of America from the list of approved pre-export checks as regards aflatoxins****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>, and in particular Article 23 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/949 <sup>(2)</sup> approves the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins.
- (2) Article 23 of Regulation (EC) No 882/2004 provides that specific pre-export checks that a third country carries out on feed and food immediately prior to export to the European Union with a view to verifying that the exported products satisfy Union requirements may be approved. Such an approval may only be granted to a third country if an European Union audit has shown that feed or food exported to the European Union meets Union requirements or equivalent requirements and that the controls carried out in the third country prior to dispatch are considered sufficiently effective and efficient as to replace or reduce the documentary, identity and physical checks laid down in EU law. Such an approval of pre-export checks performed by the United States of America (US) authorities on aflatoxins in groundnuts was granted by the EU in 2008.
- (3) An increase of non-compliance as regards the presence of aflatoxins in groundnuts from the US has been observed since mid-2016. The US authorities were informed thereof and commitments were made to remediate the situation. However it can be observed that the situation has not been improved.
- (4) It can therefore be concluded that the conditions leading to the approval of the pre-export controls are no longer fulfilled and therefore it is appropriate to remove groundnuts (peanuts) from the US from the list of approved pre-export checks. Implementing Regulation (EU) 2015/949 should be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Implementing Regulation (EU) 2015/949 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.<sup>(2)</sup> Commission Implementing Regulation (EU) 2015/949 of 19 June 2015 approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins (OJ L 156, 20.6.2015, p. 2).

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

Done at Brussels, 13 July 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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ANNEX

In Annex I to Implementing Regulation (EU) 2015/949 the following entry is deleted:

Food	CN code	TARIC sub-division	Country of origin	Mycotoxin	Frequency of physical checks (%) at import
— Groundnuts (peanuts), in shell	— 1202 41 00		United States of America	Aflatoxins	< 1'
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Groundnuts (peanuts), otherwise pre- pared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				







