

**COMMISSION REGULATION (EEC) No 2497/82
of 13 September 1982**

**on the classification of goods under heading No 84.07 and subheading 84.08 C of
the Common Customs Tariff**

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community,

Having regard to Council Regulation (EEC) No 97/69
of 16 January 1969 on measures to be taken for
uniform application of the nomenclature of the
Common Customs Tariff⁽¹⁾, as last amended by the
Act of Accession of Greece, and in particular Article 3
thereof,

Whereas, in order to ensure uniform application of the
nomenclature of the Common Customs Tariff, provi-
sions must be laid down concerning the tariff classi-
fication of the mechanism which operates by hydraulic
or pneumatic pressure to extend and retract the
aircraft cargo door actuator and which consists of:

- a cylinder, with a connecting piece provided for
securing the cargo door at one extremity and a
piston rod out of the other extremity, linearly
extended by hydraulic or pneumatic energy acting
on the piston in the cylinder casing,
- a piston with piston rod; it houses an unlocking
piston actuated likewise by pressure; it has a link
at its extremity jutting out of the cylinder for the
purpose of securing the cargo door actuator; the
actuator opens or closes by extending or
retracting; by this means the cargo door is opened
or closed,
- two latch hooks, secured to the cylinder casing,
which, when there is no pressure on the unlocking
piston, prevent the piston rod from being
extended,
- various springs, rings and other components neces-
sary for the mechanism;

Whereas the Common Customs Tariff annexed to
Council Regulation (EEC) No 950/68⁽²⁾, as last
amended by Council Regulation (EEC) No 1883/82⁽³⁾,
lists under heading No 84.22 lifting machinery, under
heading No 84.07 hydraulic engines and motors, and
under heading No 84.08 other engines and motors
such as vapour engines and power units, internal

combustion piston engines and hydraulic engines and
motors;

Whereas for the classification of the abovementioned
mechanism the aforesaid headings merit considera-
tion;

Whereas the abovementioned mechanism is not a
complete lifting machine and has not the essential
character of a complete lifting machine, because it lacks
not only the actuator operating the lifting action but
also a support or another auxiliary mechanism, which
in combination with the power of the pressure
cylinder make the lifting action possible; whereas the
aforesaid mechanism is only part of such a lifting
machine;

Whereas by application of note 2 (a) to Section XVI,
heading No 84.22 does not cover parts of lifting
machinery of a kind described in any of the headings
of Chapter 84;

Whereas ram cylinders, consisting of a cylinder in
which a piston is hydraulically or pneumatically set in
motion so that the hydraulic or pneumatic energy
acting on the piston is converted into a linear move-
ment, are hydraulic or pneumatic engines and motors
which fall within heading No 84.07 or 84.08; whereas
the presence of certain components, like unlocking
pistons, latch hooks, springs and rings does not influ-
ence the classification of such engines and motors;

Whereas the abovementioned mechanism, according
to whether hydraulically or pneumatically operated, is
therefore to be classified under heading No 84.07 as a
hydraulic engine or motor or under heading No 84.08
as a pneumatic engine or motor;

Whereas the measures provided for in this Regulation
are in accordance with the opinion of the Committee
on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION:

Article 1

The mechanism, operated by hydraulic or pneumatic
pressure to extend and retract the aircraft cargo door
actuator and consisting of:

- a cylinder, with a connecting piece provided for
securing the cargo door at one extremity and a

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽³⁾ OJ No L 207, 15. 7. 1982, p. 4.

- piston rod out of the other extremity, linearly extended by hydraulic or pneumatic energy acting on the piston in the cylinder casing,
- a piston with piston rod, housing an unlocking piston actuated likewise by pressure; it has a link at its extremity jutting out of the cylinder for the purpose of securing the cargo door actuator; the actuator opens or closes by extending or retracting; by this means the cargo door is opened or closed,
 - two latch hooks, secured to the cylinder casing, which, when there is no pressure on the unlocking piston, prevent the piston rod from being extended,
 - various springs, rings and other components necessary for the mechanism,

shall be classified in the Common Customs Tariff:

- (a) if hydraulically operated, under heading No :
84.07 Hydraulic engines and motors (including water wheels and water turbines);
- (b) if pneumatically operated, under subheading :
84.08 Other engines and motors :
C. Other engines and motors.

Article 2

This Regulation shall enter into force on the 42nd 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, 13 September 1982.

For the Commission

Wilhelm HAFERKAMP

Vice-President
