

COMMISSION REGULATION (EC) No 1160/98
of 2 June 1998
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) No 1048/98 ⁽²⁾, and in particular Article 9 thereof,

Whereas 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;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and 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;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified within the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas the Tariff and Statistical Nomenclature Section of the Customs Code Committee has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

This Regulation shall enter into force on the third 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, 2 June 1998.

For the Commission
Mario MONTI
Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 151, 21. 5. 1998, p. 1.

ANNEX

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
1. Milk powder (0,6 % milk fat) containing between 2 and 27 million live lactic bacillus (<i>Streptococcus lactus</i>) per gram	0403 90 11	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0403, 0403 90 and 0403 90 11 This product, owing to its low concentration in micro-organism may not be considered as a micro-organism culture
2. Mixture of lactose, caseins, albumins and globulins of milk and milkfat with sporulated micro-organisms (<i>Lactobacillus pentosus</i> and <i>Streptococcus lactus</i> , 50 to 100 million per gram), in powder, with the following characteristics (% by weight): — lactose: 39 — caseins: 22 — albumin/globulin of milk: 4 — ash: 6 — milkfat: 24 — water: 5	0403 90 13	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0403, 0403 90 and 0403 90 13 This product, owing to its low concentration in micro-organism may not be considered as a micro-organism culture
3. Product consisting of milk powder with added lactic ferments (<i>Streptococcus lactus</i> and <i>Lactobacillus</i> , approximately 150 million per gram) and dead lactic yeast (<i>Kluveromyces lactis</i> and <i>Fragilis</i>) with the following characteristics (% by weight): — protein: 28 — dry matter: 95 - 96 — milkfat: 25 — lactose: 39	0403 90 13	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0403, 0403 90 and 0403 90 13 This product, owing to its low concentration in micro-organism may not be considered as a micro-organism culture
4. Mixture of milk constituents with added sodium chloride and sodium citrate (2 %) and vitamins (0,2 %), with the following characteristics (% by weight): — dry matter: 95 — lactose: 56,5 — protein: 28,8 — milkfat: 1,1 — ash: 8	0404 90 21	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0404, 0404 90 and 0404 90 21 This product cannot be regarded as a prepared culture media for developing micro-organisms

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
5. Mixture of milk constituents with added sodium chloride and sodium citrate (4,5 %) and vitamins (0,2 %), with the following characteristics (% by weight): — dry matter: 96,2 — lactose: 59,7 — protein: 23,3 — milkfat: 0,9 — ash: 11,5	0404 90 21	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 0404, 0404 90 and 0404 90 21 This product cannot be regarded as a prepared culture media for developing micro-organisms
6. Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % or higher and containing up to 20 % activated charcoal	2207 10 00	Classification is determined by General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2207 and 2207 10 00