

COMMISSION REGULATION (EC) No 2376/1999
of 9 November 1999
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 1835/1999 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) 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;
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature. 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;
- (3) pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the CN goods indicated in column 2, by virtue of the reasons set out in column 3;
- (4) it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and which does not conform to the provisions of

this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Council and European Parliament Regulation (EC) No 955/1999 ⁽⁴⁾, for a period of three months by the holder;

- (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 annexed table are now classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

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

Article 3

This Regulation shall enter into force on the 20th 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, 9 November 1999.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 224, 25.8.1999, p. 5.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 119, 7.5.1999, p. 1.

ANNEX

Description	CN code	Reason
(1)	(2)	(3)
Frozen food preparation in the form of a small ball of meat enclosed in pastry, open at the base, with part of a prawn protruding from the top. The dough is wrapped round a cooked mixture of chicken meat, pieces of onion, seasoning and the rest of the prawn The composition of the product is as follows (percentage by weight): — chicken meat: 48,2 — prawn: 13,3 — onion: 9,7 — dough: 28,8 The product is ready to eat after cooking in fat or oil	1602 32 30	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2 to Chapter 16, Note 1(a) to Chapter 19 and the wording of CN codes 1602, 1602 32 and 1602 32 30 The product is to be considered as a meat preparation coated with a thin layer of dough in accordance with the Harmonised System Explanatory Notes to heading 1602, paragraph 2. 3