

COMMISSION REGULATION (EC) No 347/2001
of 19 February 2001
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 2559/2000 ⁽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 codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate 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 Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽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 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, 19 February 2001.

For the Commission

Frederik BOLKESTEIN

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 293, 22.11.2000, p. 1.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

ANNEX

Description	Classification CN code	Reasons
(1)	(2)	(3)
1. Four items packaged together for retail sale and consisting of: (a) A single coloured knitted net garment which covers the lower part of the body from waist to upper thigh (100% synthetic fibres) for a child. With an elasticated waist, two layers of trim attached to waist band, one of knitted net and one of knitted 100 % synthetic fibres. The edges of the garment are unhemmed. A knitted net flower shape attached to the front for decoration. (skirt) (See photograph No 610 A) (*) (b) A plastic wand with metallic star and a feather trim. (See photograph No 610 B) (*) (c) A pair of dancing slippers (toys) with a textile upper, elastic around the upper edge and across the width of the shoe, which is trimmed with ribbon. With plastic soles. On the front of each dancing slipper there is a rosette made of knitted net, and a bow of 100 % synthetic fibres. (See photograph No 610 C) (*) (d) A handbag of clear plastic sheet with a design printed on the front. With a zip closure. With webbing shoulder strap (not adjustable). With trim around the edges. Measures: 16 cm × 13,5 cms × 4,5 cm (handbag) (See photograph No 610 D) (*)	6104 53 00 9503 90 32 9503 90 37 4202 22 10	These four items cannot be considered as 'goods put up in sets for retail sale' because they do not meet a particular need or serve to carry out a specific activity. Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 6104 and 6104 53 00 Note 1(e) to Chapter 95 excludes textile fancy dresses of Chapters 61 and 62. See also the HS explanatory note to heading 9505, (A), (3). Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 9503, 9503 90 and 9503 90 32. Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 1(f) of Chapter 64 and the wording of CN Codes 9503, 9503 90 and 9503 90 37. The dancing slippers (toys) are not considered to be footwear of Chapter 64 because of the tightness of the elastic around the upper edge of the dancing slippers (toys) and across the foot. The textile used would not withstand regular wear as dancing slippers. Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 4202, 4202 22 and 4202 22 10. Note 1(d) to Chapter 95 excludes 'sports bags or other containers of heading 4202, 4303 and 4304'.
2. Three items packaged together for retail sale and consisting of: (a) A woven dress for children (100 % synthetic fibres) with a V-shaped neck without an opening. The bodice has applied knitted lace covering the woven fabric. It has short sleeves with elasticated sleeve ends. It is unhemmed at the neckline, sleeve ends and at the base of the garment. (b) Two knitted accessories consisting of a knitted veil and a textile bouquet (100 % synthetic fibres). The goods are packaged together as a fancy dress set for a child (dress) (See photograph No 611) (*)	6204 43 00	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 6204 and 6204 43 00. Note 1(e) to Chapter 95 excludes textile fancy dresses of Chapters 61 and 62. See also the HS explanatory note to heading 9505, (A), (3).

Description	Classification CN code	Reasons
(1)	(2)	(3)
3. Sandal with outer soles of rubber, with sole and heel combined having a height of less than 3 cm and with insoles of a length of 24 cm or more. The majority of the external surface of the upper consists of straps of leather lined with woven man-made fibre fabrics. Three straps of textile material fasten across the forefoot with a velcro-type fastening. (See photographs No 609 A + B) (*)	6403 99 33	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4 to Chapter 64, additional note 1 to Chapter 64 and the wording of CN codes 6403, 6403 99 and 6403 99 33. This sandal cannot be classified as 'sports footwear' within the meaning of subheading note 1 to chapter 64. Neither can it be considered as footwear 'designed for sporting activity' within the meaning of the definition of 'footwear involving special technology', because, <i>inter alia</i>, the upper does not give the foot stability in the shoe.
4. Indoor footwear with a knitted upper of pile fabrics with an applied ribbing covering the ankle with an animal head (monkey) made of the same material as the remainder of the upper sewn to the vamp. The sole consists of a layer of soft cellular plastic material inserted between two textile layers. The outer textile layer is made of a resistant textile material and has applied PVC-dots. The outer textile material (approximately 80 % of the surface of the outer sole) and the PVC-dots (approximately 20 % of the surface of the outer sole) make contact with the ground. (See photographs No 608 A + B) (*)	6405 20 91	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4(b) to Chapter 64, additional note 2 to Chapter 64 and the wording of CN codes 6405, 6405 20 and 6405 20 91 The outer textile layer has the characteristics of durability and/or strength usually required for the normal use of an outer sole. Taking into account these characteristics the outer sole has to be considered as a textile sole.

(*) The photographs are purely for information



