

COMMISSION REGULATION (EC) No 216/2006**of 8 February 2006****amending Regulation (EC) No 2184/97 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⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) The classification of a video conferencing system consisting of various components including two installation diskettes in Commission Regulation (EC) No 2184/97 of 3 November 1997 concerning the classification of certain goods in the Combined Nomenclature⁽²⁾ has led to classifications under CN code 8517 50 90 for the video conferencing system and 8524 91 10 for the two installation diskettes. Since Note 6 to Chapter 85 of the Combined Nomenclature was amended with effect from 1 January 2002 and in view of the fact that the HS Committee agreed in

October 2004 on the interpretation of this Note, Regulation (EC) No 2184/97 is to be considered as incorrect.

- (2) Regulation (EC) No 2184/97 should therefore be amended accordingly.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Point 4 of the table set out in the Annex to Regulation (EC) No 2184/97 is replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following 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, 8 February 2006.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 2175/2005 (OJ L 347, 30.12.2005, p. 9).

⁽²⁾ OJ L 299, 4.11.1997, p. 6.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>Set put up for retail sale comprising:</p> <ul style="list-style-type: none">— an audio unit with a telephone handset,— a telecommunication card,— a video camera connectable to an automatic data-processing machine,— a network connection unit, and— two diskettes with video telephony application software. <p>The set enables an automatic data-processing machine to perform an additional function (video telephony).</p>	8517 50 90	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8517, 8517 50 and 8517 50 90.</p> <p>The essential character of the set is given by the telecommunication apparatus (the audio unit and telecommunication card).</p>