

COMMISSION REGULATION (EEC) No 2811/77

of 16 December 1977

on the classification of goods falling within heading No 60.04 or 60.05 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 Regu-
lation (EEC) No 280/77 ⁽²⁾, and in particular Article 3
thereof,

Whereas the Common Customs Tariff annexed to
Council Regulation (EEC) No 950/68 of 28 June
1968 ⁽³⁾, as last amended by Council Regulation (EEC)
No 2500/77 of 7 November 1977 ⁽⁴⁾, refers under
heading No 60.04 to under garments, knitted or
crocheted, not elastic or rubberized, and under
subheading 60.05 A II to outer garments and clothing
accessories, knitted or crocheted, not elastic or rubber-
ized, other than jerseys and pullovers, containing at
least 50 % by weight of wool and weighing 600 g or
more per article ;

Whereas in view of the wide variety of knitted or
crocheted garments, not elastic or rubberized, it is
difficult in some cases to distinguish between under
garments falling within heading No 60.04 and outer
garments falling within heading No 60.05 ; whereas
for the purpose of making such a distinction it is
necessary to refer to the essential characteristics of the
garments in question ;

Whereas in the case of men's and boys' knitted or
crocheted shirts, not elastic or rubberized, which
according to the Explanatory Notes to the nomencla-
ture of the Customs Cooperation Council fall within
heading No 60.04, it is necessary to specify certain
characteristics ;

Whereas it is necessary to define the knitted or
crocheted garments, not elastic or rubberized, respec-
tively known as T-shirts and lightweight fine knit roll,
polo or turtle necked jumpers and pullovers, which
fall within heading No 60.04 and which are normally
worn next to the skin or beneath garments falling
within heading No 60.05 ;

Whereas it is also necessary to define the knitted or
crocheted garments, not elastic or rubberized, known
as shirt-blouses and blouses, which are normally worn
by women and girls as outer garments and which fall
within subheading No 60.05 A II ;

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

1. The garments, knitted or crocheted, not elastic
or rubberized, known as men's and boys' shirts, which
have *inter alia* a collar whether or not detachable,
long or short sleeves, are buttoned in front whether or
not throughout, left over right, with or without
pockets, shall be classified in the Common Customs
Tariff among under garments falling within heading
No 60.04.

2. The knitted or crocheted garments, not elastic or
rubberized, known as T-shirts shall be classified in the
Common Customs Tariff among under garments,
falling within heading No 60.04. The following
garments shall be considered as T-shirts : lightweight
garments of the vest type, of cotton or man-made
fibre, in one or more colours, with or without pockets,
with long or short close-fitting sleeves, without
buttons or other fastenings, without collar, without
opening in the neck-line, having a close-fitting or
lower neck line (round, square, boat-shaped or V-
shaped). These garments may have decoration, other
than lace, in the form of advertising, pictures or an
inscription in words, obtained by printing, knitting or
other process. The bottom of these garments, usually
hemmed, shall have neither a ribbed waistband nor
tightening facility.

3. The knitted or crocheted garments not elastic or
rubberized, known as lightweight fine knit roll, polo
or turtle necked jumpers and pullovers shall be classi-
fied in the Common Customs Tariff among under
garments, falling within heading No 60.04. The
following garments shall be considered as lightweight

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 40, 11. 2. 1977, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 289, 14. 11. 1977, p. 1.

roll, polo or turtle neck jumpers and pullovers : lightweight close fitting, fine knit garments covering the upper part of the body in any textile fibre other than wool, in one or more colours, with or without sleeves and having a roll, polo or turtle neck without opening. Garments of this description in wool shall be considered as pullovers or jumpers falling within heading No 60.05.

Article 2

1. The knitted or crocheted garments, not elastic or rubberized, known as shirt-blouses shall be classified in the Common Customs Tariff among outer garments, other than jerseys and pullovers containing at least 50 % by weight of wool and weighing 600 g or more per article, falling within subheading 60.05 A II. The following garments shall be considered as shirt-blouses : women's and girls' garments cut on the lines of a man's or boy's shirt, with a collar, with or

without pockets, with long or short sleeves, buttoned in front, whether or not throughout, right over left. These garments go below the waist.

2. The knitted or crocheted garments, not elastic or rubberized, known as blouses shall also be classified within the subheading referred to above. The following garments shall be considered as blouses : women's and girls' lightweight garments of fancy design and usually of a loose-fitting cut, with or without sleeves or collar, with any type of neckline and with buttons or other means of fastening, the absence of buttons or fastening being permitted only in the case of a very low-cut neckline, with or without decorative trimming such as tie, jabot, cravat, lace or embroidery. These garments go just below the waist.

Article 3

This Regulation shall enter into force on 1 January 1978.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 December 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission
