

COMMISSION REGULATION (EC) No 618/96
of 3 April 1996
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 586/96⁽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 under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas 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 do not conform to the rights established by 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⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section 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 appropriate 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 rights established by 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 21st 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, 3 April 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 84, 3. 4. 1996, p. 18.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reason
(1)	(2)	(3)
<p>1. Monthly astrology magazine consisting of a single, rolled-up sheet of paper of 79 mm by 505 mm, printed on both sides and containing horoscopes (monthly and daily) and lucky numbers for games of chance, whether or not illustrated.</p> <p>The rolled-up magazine is protected by a tube of transparent plastic.</p> <p>Every month four such magazines, identical in wording, illustration and colour, are put on sale together in a colour printed and illustrated cardboard presentation pack, on which the month is indicated. The presentation pack is subdivided into 12 boxes, one for each sign of the Zodiac</p>	4902 90 30	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 4902, 4902 90 and 4902 90 30
<p>2. Children's picture book (30 cm × 40 cm) made up of four thick cardboard pages and illustrated with pictures on the Christmas theme.</p> <p>The inside pages include coloured Christmas pictures and musical and vocal scores on every double page.</p> <p>The last page (which serves as cover), 1 cm thick, is illustrated on recto with a Christmas tree, decorated with multicolour baubles, each of which contains a bulb.</p> <p>This page contains a micro loudspeaker and an electronic module, which, when a key is pressed, triggers off the tunes and flashes the bulbs</p>	4903 00 00	Classification is determined by the provisions of General Rules 1 and 3 (b) for the interpretation of the combined nomenclature, Note 6 to Chapter 49 and by the wording of CN code 4903 00 00
<p>3. Musical mobiles for babies, disassembled, comprising:</p> <ul style="list-style-type: none"> — a suspender with fastening devices of plastics; — a musical box with a windable clock-spring motor, — a mobile consisting of two crossed arms of plastic, to the central crossing point and ends of which figures of stuffed animals (rabbits, ducks, frogs), made of textile materials and given human clothes, are attached by a thread. <p>When wound, the musical box plays a tune and turns the mobile</p>	9503 50 00	<p>Classification is determined by the provisions of General Rules 1, 2 (a), 3 (b) and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9503 and 9503 50 00.</p> <p>The product is intended to keep babies amused, in particular due to the presence of the musical box</p>