

COMMISSION REGULATION (EC) No 981/98
of 7 May 1998

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 2509/97 ⁽²⁾, and in particular Article 9 thereof,

Whereas 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 do 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, 7 May 1998.

For the Commission
Mario MONTI
Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 345, 16. 12. 1997, p. 44.

⁽³⁾ OJ L 302, 19. 10. 1992, p. 1.

ANNEX

| Description | Classification (CN code) | Reason |
|---|-----------------------------|---|
| (1) | (2) | (3) |
| <p>1. Photo album with a binding measuring 12 cm (width) by 16,5 cm (length) by 5,8 cm (thickness), composed of the following materials:</p> <ul style="list-style-type: none"> — a paperboard base, successively coated with cellular plastic, a layer of thin paperboard, colourfully printed paper and plastic foil, — the 60 inside pages are glued to the binding and consist of plastic leaves with applied transparent plastic pockets. | 3926 90 91 | <p>Classification is determined by the provisions of General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 91.</p> <p>The plastic components in this composite product predominate both in volume and in terms of the product's function.</p> |
| <p>2. A laptop computer-type device in a moulded coloured plastic case, approximately 20 cm long, 23 cm wide and 6 cm thick.</p> <p>The device has the following components:</p> <ul style="list-style-type: none"> — a loudspeaker, — an electronic processing unit (not freely programmable), — a keyboard with switches under a sturdy plastic film, — an LCD-display, approximately 6 × 3 cm, — switches to regulate the loud-speaker and the contrast. <p>The device has 16 built-in programmes, which perform writing, arithmetic and logic exercises, as well as composing music.</p> <p>The programmes are aimed at children between five and eight years old.</p> | 9503 90 32 | <p>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.</p> <p>Four of the 16 in-built programmes consist of written exercises, seven test arithmetic and two involve recognising musical notes/tunes etc.</p> <p>Although 15 of the 16 programmes are in two player mode and the correct answers are scored, the product does not have the characteristics of a parlour game of heading 9504. The essential character of the product is that of an educational toy.</p> |