

COMMISSION REGULATION (EC) No 738/2000
of 7 April 2000
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 2626/1999 ⁽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 European Parliament and Council Regulation (EC) No 955/1999 ⁽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 as regards products Nos 1 to 4 and 6.
- (6) The Customs Code Committee has not delivered an opinion with the time limit set by its chairman as regards product No 5 in the annexed table,

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 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, 7 April 2000.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 321, 14.12.1999, p. 3.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

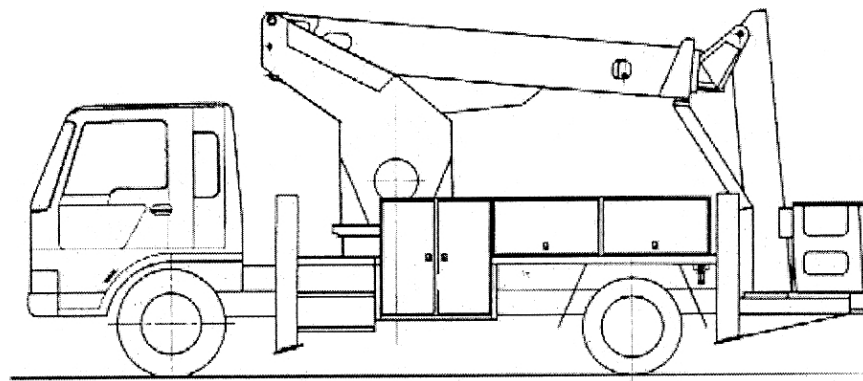
⁽⁴⁾ OJ L 119, 7.5.1999, p. 1.

ANNEX

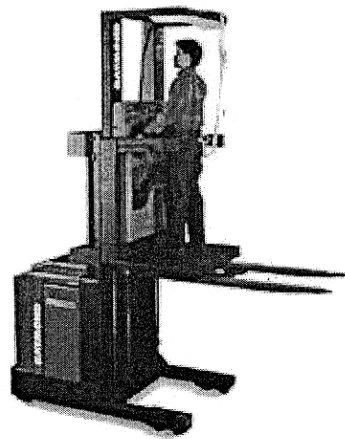
Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
<p>1. A flexible product used for the temperature-controlled distribution of gases or liquids. It consists of the following components (from the inside outwards):</p> <ul style="list-style-type: none"> — a flexible plastic tube for transporting the material, having a minimum burst pressure of 27,6 MPa — an electrical heating band, which is separated from the transport tube by an aluminium plate — a layer of aluminium foil, that covers the transport tube, the heating band and the aluminium plate — an insulated electric cable for controlling the heating band — a layer of fleece material — an outside covering of flexible synthetic material <p>The product is imported in lengths without fittings</p>	3917 31 90	<p>Classification is determined by the provisions of General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature, Note 8 to Chapter 39 and the wording of CN codes 3917, 3917 31 and 3917 31 90</p> <p>The plastic tube, which is the decisive element for the transport of material, gives the product its essential character</p>
<p>2. A flexible product used for the temperature-controlled distribution of gases or liquids. It consists of the following components (from the inside outwards):</p> <ul style="list-style-type: none"> — A bundle of flexible plastic tubes for transporting the material — an electrical heating band, which is separated from the transport tubes by an aluminium plate — a layer of aluminium foil, that covers the transport tubes, the heating band and the aluminium plate — an insulated electric cable for controlling the heating band — a layer of fleece material — an outside covering of flexible synthetic material <p>The product is imported in lengths without fittings</p>	3926 90 99	<p>Classification is determined by the provisions of General Rules 1, 3b and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 3926, 3926 90 und 3926 90 99</p> <p>The number of plastic tubes, which is the decisive element for the transport of material, gives the product its essential character</p>
<p>3. A vehicle equipped with a hydraulic lifting device fitted with a working platform</p> <p>The vehicle consists of a lorry chassis with a cabin for a driver and passengers. It is powered by a diesel engine. It is suitable for driving on public roads independantly</p> <p>The lifting device is permanently fitted on the vehicle. It consists of a telescopic jib for vertical movements, which can rotate. It has a working platform with a size of 0,60 m × 1,20 m, and a safety railing. The controls of the lifting device are mounted on the platform. The vehicle has 4 retractable stabilisers which rest on the ground when the lifting device is being used</p> <p>The lifting device has a maximum height of 12 m and can lift up to 325 kg</p> <p>See illustration A (*)</p>	8705 90 90	<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 8705, 8705 90 and 8705 90 90</p> <p>The vehicle is a special purpose motor vehicle of heading 8705</p>

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
<p>4. A vehicle equipped with a hydraulic lifting device fitted with a working platform and forks</p> <p>The vehicle has a battery-operated electric motor used for operating the lifting device and moving the vehicle. The controls of the lifting device are mounted on the working platform</p> <p>The vehicle is not suitable for driving on public roads</p> <p>The lifting device has a maximum height of 2,50 m and can lift up to 1 200 kg</p> <p>See illustration B (*)</p>	8427 10 10	<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 8427, 8427 10 and 8427 10 10</p> <p>This self-propelled vehicle is designed for the transport of goods, as well as elevating goods and persons</p>
<p>5. A vehicle equipped with a hydraulic lifting device fitted with a working platform</p> <p>The vehicle consists of a flat surface upon which a lifting device and an electric motor and the lifting device are mounted, which operates the vehicle and the lifting device. The controls of the lifting device are mounted on the working platform. The vehicle has 4 large wheels (12,5 × 16"). It has a gradeability of 25 % and a maximum driving speed of 4,3 km/h. It is not suitable for driving on public roads without being towed by another motor vehicle</p> <p>The lifting device is permanently fitted on the vehicle. It consists of a telescopic jib for horizontal and vertical movements. It has a working platform with a size of 0,66 m × 1,5 m and a safety railing</p> <p>The lifting device has a maximum height of 15,5 m and can lift up to 227 kg</p> <p>See illustration C (*)</p>	8428 90 98	<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 8428, 8428 90 and 8428 90 98</p> <p>This self-propelled vehicle is not suitable for the transport of goods. It is designed for elevating goods and persons only</p>
<p>6. A hydraulic lifting device, with 4 wheels, fitted with a working platform</p> <p>The lifting device has a motor used for operating the lifting jib only. The controls of the telescopic jib are mounted on the working platform</p> <p>The lifting device has 4 retractable stabilisers which rest on the ground when the device is being used. It does not have a motor for driving. It is not suitable for driving on public roads</p> <p>The hydraulic lifting device is a telescopic jib for vertical movement. It has a working platform with a size of 0,66 m × 0,66 m and a safety railing</p> <p>The lifting device has a maximum height of 12,8 m and can lift up to 160 kg</p> <p>See illustration D (*)</p>	8428 90 98	<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 8428, 8428 90 and 8428 90 98</p> <p>This lifting device is neither self-propelled nor suitable for the transport of goods. It is designed for elevating goods and persons only</p>

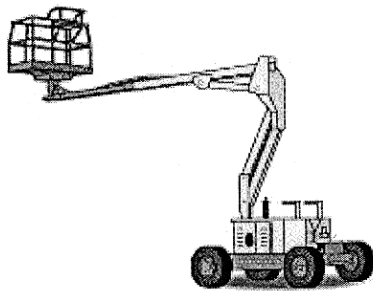
(*) The illustrations are purely for information.



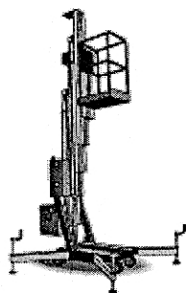
A



B



C



D