

COMMISSION REGULATION (EC) No 729/2004
of 15 April 2004
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) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, 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 laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also 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 those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in

the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th day following that of 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, 15 April 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the Act of Accession of 2003.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A connector for an optical fibre cable, unassembled, consisting of the following components: — 1 connector part of base metal with a plastic interior and a ceramic ferrule, provided with a steel spring; — 1 tube of base metal with a shaped edge; — 1 plastic cylinder with a crimp-sleeve of aluminium; — 2 plastic holders. The connector part can be assembled with the other parts and one of the holders to form a connector. One individually sheathed optical fibre is passed through the ferrule and secured to it. The connector will be used as a connecting element for optical fibre cables.	6909 19 00	Classification is determined by General Rules 1, 2(a), 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 6909 and 6909 19 00. The connector is not considered to be a part or an accessory of an optical fibre cable. The connector is to be classified according to the constituent material. Its essential character is conferred by the ferrule.
2. Apparatus consisting of: — an axial fan with an electrical motor and an electronic assembly for adjusting the speed of the fan; and — an aluminium heat sink. The function of the apparatus is to remove the excess heat of a central processing unit of an automatic data processing machine.	8414 59 30	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8414, 8414 59 and 8414 59 30. The fan gives the product its essential character. It is the primary component for removing excess heat.
3. An article ('snowshoe') measuring 65 cm in length and 23 cm at its widest consisting of an aluminium frame with a plastic covering, tapered at one end and rounded at the other. This frame has a plastic attachment 1 mm thick which has cutouts for metal blades on the underside to ensure better footing in the snow. A rigid metal plate is secured to the frame on the upper side by a plastic strap. Rubber pieces are attached to the plate to go round a shoe when worn and these in turn have rubber/fabric straps to attach the article to the shoe. The article is used to assist walking on the snow. See photograph (A) (*)	9506 99 90	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 9506, 9506 99 and 9506 99 90. It is not snow-ski equipment as it is not used for skiing. It is not equipment for general physical exercise. The product is considered to be an article for outdoor sport.
4. A base metal wheel, with a diameter of 6,74 mm, a centre hole size of 3 mm and a thickness of 3,54 mm, provided with teeth. The product is a component for incorporating into the ignition mechanism of a cigarette lighter. See photographs (B) (*)	9613 90 00	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 9613 and 9613 90 00. The wheel is suitable for use principally in the manufacture of spark devices for cigarette lighters of heading 9613.

(*) The photographs are purely for information.

(A)



(B)

