

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 729/2004 of 15 April 2004 concerning the classification of certain goods in the Combined Nomenclature*(Official Journal of the European Union L 113 of 20 April 2004)*

Regulation (EC) No 729/2004 should read as follows:

**'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, pursuant to Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The Customs Code Committee has not delivered an opinion within the time limit set by its chairman as regards products Nos 1, 2, 4, and 5 in the annexed table.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee as regards product No 3 in the annexed table.

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 pursuant to 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 (1)	Classification (CN Code) (2)	Reasons (3)
1. Egg-shaped finials made up of a mixture of 75 % crushed natural stone and 25 % polyester, with a metal ring at one end to enable a curtain rail to be inserted in it. They are encrusted over 18 % of their surface with round pieces of buffalo bone for decorative purposes.	6810 99 00	Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 6810 and 6810 99 00. The product is made up of different materials, of which the predominating proportion is that of the crushed stone. The product is excluded from heading 9601 as the nature of the decorative material, buffalo bone, does not give the article its essential character.
2. A hand-operated mill weighing less than 10 kg for grinding grains of salt for the seasoning of food. The spherical plastic container holds the grains of salt that are ground by a small ceramic grinding plate.	6912 00 90	Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 1(b) to Chapter 84, and by the wording of CN codes 6912 00 and 6912 00 90. The product is excluded from Chapter 82 by application of Note 1(a) to this Chapter. The essential character of the product is given by the ceramic grinding plate.
3. A hand operated mill weighing less than 10 kg for grinding peppercorns for the seasoning of food. The spherical plastic container holds the peppercorns that are ground by a small grinding plate of base metal.	8210 00 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(a) to Chapter 82, and by the wording of CN code 8210 00 00. The product is excluded from Section XVI by application of Note 1(k) to this section.
4. A set put up for retail sale consisting of a hand operated pepper mill and a hand operated salt mill for the seasoning of food. The spherical plastic containers hold the peppercorns and the grains of salt that are ground by small grinding plates. The grinding plate in the pepper mill is made of base metal and in the salt mill of ceramic material.	8210 00 00	Classification is determined by general rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, Note 1(a) to Chapter 82, and by the wording of CN code 8210 00 00. The set consists of products that are used in the preparation of food. No component conferring essential character can be found for this set.
5. A walker-rollator consisting of a tubular aluminium frame on four wheels, with front swivel wheels, handles and brakes. It includes a seat/carrying tray and a wire basket. The product can be folded for transport. The product is designed to assist persons who have difficulty in walking. It enables a person to move forward by pushing the walker-rollator, thus providing support. (See photograph A) (*)	8716 80 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8716 and 8716 80 00. The product is not considered to be an orthopaedic appliance of heading 9021 since it does not meet the terms of Note 6 to Chapter 90. The product is not considered to be a carriage for disabled persons of heading 8713.

(*) The photograph is purely for information.

(A)

