

COMMISSION IMPLEMENTING REGULATION (EU) 2021/530
of 22 March 2021
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, 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 provisions of the Union, 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 code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (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 code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 March 2021.

For the Commission
Gerassimos THOMAS
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A portable hand-held electromechanical appliance for personal skin care. The appliance is oval shaped and measures approximately 75 × 80 × 30 mm. It has a waterproof housing and a built-in electric motor producing vibrations (so-called sonic pulsations).</p> <p>The outer surface of the appliance is made of silicone, with hypoallergenic silicone brushes on both sides. The surface of the appliance is divided into three zones, each with a different thickness of brushes. On the front side of the appliance there is an on/off button and a button to increase/decrease the intensity of pulsation.</p> <p>The appliance is designed to be used for cleansing the skin on the face with a cleanser and vibrating brushes. When cleansing the skin, a facial massage occurs as an additional effect due to the pulsations.</p> <p>The appliance is of the kind commonly used for domestic purposes, when travelling etc.</p>	8509 80 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, by Note 3 to Section XVI in combination with Note 3 to Chapter 90, Note 4 (b) to Chapter 85 and by the wording of CN codes 8509 and 8509 80 00.</p> <p>The appliance performs the function of a domestic facial cleaner (see also the Harmonized System Explanatory Note (HSEN) to heading 8509, first paragraph) as well as a massage function, but the latter is only ancillary. By virtue of Note 3 to Section XVI, machines designed for the purpose of performing two or more complementary functions are to be classified on the basis of the principal function. Therefore, classification under heading 9019 as massage apparatus is excluded.</p> <p>Consequently, the appliance is to be classified under CN code 8509 80 00 as an electromechanical domestic appliance, with self-contained electric motor.</p>