

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/557**  
**of 1 April 2022**  
**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 <sup>(1)</sup>, 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 <sup>(2)</sup>, 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*.

<sup>(1)</sup> OJ L 269, 10.10.2013, p. 1.

<sup>(2)</sup> 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, 1 April 2022.

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

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## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1) Protein-rich fraction from the separation of pea flour into a protein-rich and a starch-rich fraction presented in the form of a beige, fine powder or in the form of pellets, in small bags (15 to 20 kg) or big bags (500 to 1 000 kg).</p> <p>The product has the following analytical characteristics (dry weight contents):</p> <ul style="list-style-type: none"> <li>— 7,4 % starch</li> <li>— 54 % proteins</li> </ul> <p>The product is produced from dried peas (<i>Pisum sativum</i>), which are washed, hulled and milled to obtain pea flour. The flour is then separated into a protein-rich and a starch-rich fraction in a centrifugal separator. After that process, the protein-rich fraction is either left in powder form or agglomerated into pellets.</p> <p>The product is recognisably and exclusively used as animal fodder.</p>	2309 90 31	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1 to Chapter 23 and the wording of CN codes 2309, 2309 90 and 2309 90 31.</p> <p>The product has lost the essential characteristics of the original material by means of fractioning in a centrifugal separator. Therefore, classification under heading 1106 as flour of a dried leguminous vegetable, as well as classification as further prepared vegetable product of heading 2005, is excluded.</p> <p>Classification under heading 2302 is also excluded because the product is not a residue of the sifting, milling or other working of leguminous plants (see the Harmonized System Explanatory Note to heading 2302, Item (C)). The product has been deliberately produced from pea flour. It is further processed and exclusively used as animal fodder (see also the Harmonized System General Explanatory Note to Chapter 23).</p> <p>Therefore, the product is to be classified under CN code 2309 90 31 as other preparation of a kind used in animal feeding, containing less than 10 % by weight of starch.</p>
<p>2) Starch-rich fraction from the separation of pea flour into a protein-rich and a starch-rich fraction, presented in the form of a light-yellow powder or in the form of pellets, in bulk or in big bags (25 to 1 000 kg).</p> <p>The product has the following analytical characteristics (dry weight contents):</p> <ul style="list-style-type: none"> <li>— 73 % of starch</li> <li>— 13 % of proteins</li> </ul>	2309 90 51	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1 to Chapter 23 and the wording of CN codes 2309, 2309 90 and 2309 90 51.</p> <p>The product has lost the essential characteristics of the original material by means of fractioning in a centrifugal separator. Therefore, classification under heading 1106 as flour of a dried leguminous vegetable, as well as classification as further prepared vegetable product of heading 2005, is excluded.</p>

<p>The product is produced from dried peas (<i>Pisum sativum</i>), which are washed, hulled and milled to obtain pea flour. The flour is then separated into a protein-rich and a starch-rich fraction in a centrifugal separator. After this process, the starch-rich fraction is either left in powder form or agglomerated into pellets. The product is recognisably and exclusively used as animal fodder.</p>		<p>Classification under heading 2302 is also excluded because the product is not a residue of the sifting, milling or other working of leguminous plants (see the Harmonized System Explanatory Note to heading 2302, Item (C)). The product has been deliberately produced from pea flour. It is further processed and exclusively used as animal fodder (see also the Harmonized System General Explanatory Note to Chapter 23).</p> <p>Therefore, the product is to be classified under CN code 2309 90 51 as other preparation of a kind used in animal feeding, containing more than 30 % by weight of starch.</p>
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