

Explanatory Notes to the Combined Nomenclature of the European Communities

(2008/C 112/03)

Pursuant to Article 9(1)(a), second indent, of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, the Explanatory Notes to the Combined Nomenclature of the European Communities ⁽²⁾ are amended as follows:

On page 335, the following text is inserted:

‘8521 90 00 Other

This subheading includes apparatus without a screen capable of receiving television signals, so-called “set-top boxes”, which incorporate a device performing a recording or reproducing function (for example, a hard disk or DVD drive).’

On page 339, the following text is inserted:

‘8528 71 13 Apparatus with a microprocessor-based device incorporating a modem for gaining access to the Internet, and having a function of interactive information exchange, capable of receiving television signals (“set-top boxes with communication function”)

This subheading covers apparatus without a screen, so-called “set-top boxes with communication function”, consisting of the following main components:

- a microprocessor,
- a video tuner.

The presence of an RF connector is an indicator that a video tuner may be present.

- a modem.

Modems modulate and demodulate outgoing as well as incoming data signals. This enables bidirectional communication for the purposes of gaining access to the Internet. Examples of such modems are: V.34-, V.90-, V.92-, DSL- or cable modems. An indication of the presence of such a modem is an RJ 11 connector.

Devices performing a similar function to that of a modem but which do not modulate and demodulate signals are not considered to be modems. Examples of such apparatus are ISDN-, WLAN- or Ethernet devices. An indication of the presence of such a device is an RJ 45 connector.

The modem must be built into the set-top box. Set-top boxes which do not have a built-in modem but use an external modem are excluded from this subheading (e.g. a set consisting of a set-top box and an external modem).

The Transmission Control Protocol/Internet Protocol (TCP/IP) must be present as firmware in the set-top box.

Set-top boxes of this subheading must enable the user of the apparatus to access the Internet. The apparatus must also be able to run Internet applications in an “interactive information exchange” mode such as an e-mail client or a messaging application using UDP or TCP/IP sockets.

Set-top boxes which incorporate a device performing a recording or reproducing function (for example, a hard disk or DVD drive) are excluded from this subheading (subheading 8521 90 00).

8528 71 19 Other

See the last paragraph of the Explanatory Notes to subheading 8528 71 13.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Regulation (EC) No 275/2008 (OJ L 85, 27.3.2008, p. 3).

⁽²⁾ OJ C 50, 28.2.2006, p. 1.

8528 71 90 Other

This subheading includes products without a screen which are reception apparatus for television but which do not incorporate a video tuner (for example, so-called "IP-streaming boxes").

See also the last paragraph of the Explanatory Notes to subheading 8528 71 13.'
