

COMMISSION REGULATION (EC) No 1488/1999
of 7 July 1999
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⁾, as last amended by Commission Regulation (EC) No 1372/1999 ⁽²⁾, and in particular Article 9 thereof,

- (1) Whereas in order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the referred to the Annex to this Regulation;
- (2) Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and those rules also apply 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 relating to trade in goods;
- (3) Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;
- (4) Whereas it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined

Nomenclature and which do not conform to the rights established by this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 established the Community Customs Code ⁽³⁾, for a period of three months by the holder;

- (5) Whereas 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 annexed table are now classified within the Combined Nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 7 July 1999.

For the Commission

Mario MONTI

Member of the Commission

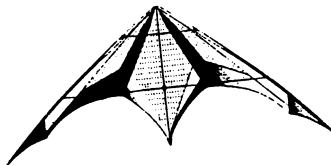
⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 162, 26.6.1999, p. 46.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of goods	Classification (CN) code	Reason
(1)	(2)	(3)
<p>1. Battery operated cassette-player, not incorporating a sound recording device, with an analogue reading system, in cylindrical form like a beverage tin, and with a lightweight stereo headphone connectable by cable.</p> <p>The approximate dimensions of the device are 100 mm (length) and 70 mm (diameter). The device has several push buttons for its operation, a volume control, a transport strap and a belt clip</p>	8519 93 89	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4 to Section XVI and the wording of CN codes 8519, 8519 93 and 8519 93 89.</p> <p>Due to its shape and dimensions, the device cannot be regarded as a pocket-size cassette-player (sub-heading Note 1 to Chapter 85)</p>
<p>2. Kites, so-called 'stunt kites', with delta wings, with a frame made of plastic sticks or tubes and a covering of plastic fabrics.</p> <p>These kites are steered by two or four cords from the ground.</p> <p>See illustration (*)</p>	9503 90 37	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of the CN Codes 9503, 9503 90 and 9503 90 37.</p> <p>Although these kites can be used for sporting competitions, they are essentially designed for the amusement of children or adults.</p> <p>General Rule 3b for the interpretation of the Combined Nomenclature applies on subheading level</p>



(*) The illustration is purely for information.