

COMMISSION REGULATION (EC) No 2064/2001
of 22 October 2001
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 1783/2001 ⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) 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 goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature. 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 measures relating to trade in goods.
- (3) 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 CN codes indicated in column 2, by virtue of the reasons set out in column 3.
- (4) It is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which does

not conform to the provisions of this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 2700/2000 of the Council and of the European Parliament ⁽⁴⁾, for a period of 60 days by the holder.

- (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 annexed table are classified within the combined nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of 60 days.

Article 3

This Regulation shall enter into force on the 20th 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, 22 October 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 241, 11.9.2001, p. 7.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.
⁽⁴⁾ OJ L 311, 12.12.2000, p. 17.

ANNEX

Description	CN code	Reasons
(1)	(2)	(3)
<p>Calf-length garment (about 128 cm long at the back) of self-coloured, flimsy, lightweight, transparent fabric of synthetic fibres (100 % polyester).</p> <p>The garment has a collar with lapels and long, narrow sleeves, opens all the way at the front, buttoning right over left from the collar to near the waist and is unlined. The fabric has been turned up and sewn to create a straight hem and cuffs.</p> <p>This garment consists of three panels (two at the front and one at the back) sewn together lengthways. It has two darts at the back from the shoulder-blades to the waist and another two at the front from the breast to the waist.</p> <p>(other garment)</p> <p>(See photograph No 613 (*))</p>	6211 43 90	<p>Classification is determined by general rules 1 and 6 for the interpretation of the combined nomenclature, Note 1 to Chapter 54 and Notes 1 and 8 to Chapter 62, and by the wording of CN codes 6211, 6211 43 and 6211 43 90.</p> <p>The flimsy, lightweight, transparent material offers no protection against the weather, which excludes classification as a coat in heading 6202.</p> <p>See also the HS Explanatory Notes to heading 6101.</p> <p>Despite its length, the garment cannot be worn without another garment covering the lower body because it does not button below the crotch. It is therefore not a dress.</p> <p>See also the CN explanatory notes to subheadings 6104 41 00 to 6104 49 00.</p> <p>Because of the length of the garment which extends to the calf, a classification as a shirt/blouse under heading 6206 is excluded.</p> <p>See also the CN Explanatory Notes to heading 6106.</p>

(*) The photographs are purely for illustration.

