

**COMMISSION REGULATION (EC) No 305/2001**  
**of 12 February 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2559/2000<sup>(2)</sup>, 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 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<sup>(3)</sup>, as last amended by European Parliament and Council Regulation (EC) No 2700/2000<sup>(4)</sup>, for a period of three months 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*

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 three months.

*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, 12 February 2001.

*For the Commission*  
Frederik BOLKESTEIN  
*Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 293, 22.11.2000, p. 1.

<sup>(3)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(4)</sup> OJ L 311, 12.12.2000, p. 17.

## ANNEX

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
<p>1. A square ceramic pot in a single-colour design (100 % common pottery), 15 cm high</p> <p>The pot has an enamelled surface on the inside and the outside. The pot has applied decorations in the form of abstract or realistic motifs on the outside</p>	6913 90 10	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 6913, 6913 90 and 6913 90 10</p> <p>Due to the enamelled inside and the absence of an opening in the bottom, the product has water resistant capacities. Together with its general appearance the product is considered to be an ornamental article</p>
<p>2. A multi-coloured round ceramic pot (100 % common pottery), 38 cm high with a diameter of 38 cm</p> <p>The pot has a small opening in the bottom, an enamelled surface on the outside with applied decorations in the form of abstract or realistic motifs</p>	6914 90 10	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 6914, 6914 90 and 6914 90 10</p> <p>The small opening in the bottom determines the utility value of the product as a container for plants</p>
<p>3. A product described as a baby-monitoring device, put up in a set for retail sale, consisting of</p> <ul style="list-style-type: none"> <li>— a transmitter for radio telephony, with a built-in microphone</li> <li>— a portable receiver for radio-telephony combined with a loudspeaker in a housing</li> <li>— two mains adaptors</li> </ul> <p>Both the transmitter and the receiver can operate using either batteries or mains adaptors</p> <p>The device serves to transmit noises made by a baby in the vicinity of the transmitter and is used to monitor babies within a range of roughly 300 metres</p>	8527 90 98	<p>Classification is determined by the provisions of General Rules, 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, and the wording of CN codes 8527, 8527 90 and 8527 90 98</p> <p>Neither the transmitter nor the receiver gives the product its essential character</p>
<p>4. Electronic-mechanical assembly consisting of two elements, presented together:</p> <p>(a) an electronic-mechanical assembly for a video recorder made up as a printed circuit including the following elements:</p> <ul style="list-style-type: none"> <li>— a decoder, processor and generator of red, green and blue signals for a cathode-ray tube</li> <li>— an audio signal processor</li> <li>— a chassis control system with a microcontroller</li> <li>— a VHS signal processor</li> <li>— a tape loading/unloading unit</li> <li>— an audio, video and control head unit</li> <li>— a metal support for attaching the second element</li> </ul> <p>(b) an electronic assembly for a television receiver including a switching-mode power supply, a deflection signal generating unit and a high voltage transformer</p> <p>A tuner is not incorporated in either of the assemblies</p> <p>These assemblies are made to be built into a television receiver combined with a video recorder with a tape of a width of 1,265 cm and a tape speed not exceeding 23,39 mm per second</p>	<p>8521 10 30</p> <p>8529 90 72</p>	<p>Classification is determined by the provisions of General Rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature, Note 2(b) to Section XVI, and the wording of CN codes 8521, 8521 10, 8521 10 30, 8529, 8529 90 and 8529 90 72</p> <p>The two elements together do not perform a clearly defined function within the meaning of Note 4 to Section XVI. The elements are therefore classified separately according to their own function</p>

Description of goods	Classification (CN code)	Reason
(1)	(2)	(3)
5. An element consisting of glass with layers with a polarising effect ('Screen filter'), mounted in a frame. A cable, provided with a clip, is attached to the frame  It has the following functions: — glare reduction — reflection reduction — UV radiation reduction — contrast enhancement — static charge reduction	9002 20 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(d) to Chapter 70, Note 1(m) to Section XVI, and the wording of CN codes 9002 and 9002 20 00  The product is considered to be an optical element of Chapter 90. The cable for the reduction of the static charge does not affect the classification