

COMMISSION REGULATION (EC) No 55/2003
of 13 January 2003
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 1832/2002⁽²⁾, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, 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 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 set out in the Annex to this Regulation should be classified under the CN code(s) 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 is not in accordance with the provisions of this Regulation, can continue to be invoked by the holder, under the provisions of 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 European Parliament and of the Council⁽⁴⁾, for a period of 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 are classified within the Combined Nomenclature under the CN code(s) indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with 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 that of 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, 13 January 2003.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.
⁽²⁾ OJ L 290, 28.10.2002, p. 1.

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

ANNEX

Description of the goods	Classification CN code	Reasons								
(1)	(2)	(3)								
<p>1. Ready-made meal, consisting of the following two, individually packed, components, put up in a set for retail sale:</p> <p>(a) pre-cooked rice (150 g); and</p> <p>(b) curry (200 g) consisting of coconut milk (72 %), chicken meat (20 %), mixture of spices (7 %), lemon grass (0,5 %) and anchovies extract (0,5 %).</p>	1904 90 10	<p>Classification is determined by the provisions of General Rules 1, 3 (b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1904, 1904 90 and 1904 90 10.</p> <p>This product is put up for retail sale in accordance with General Rule 3(b). Its essential character is conferred by the rice component (heading 1904).</p>								
<p>2. Ready-made meal, consisting of the following two, individually packed, components, put up in a set for retail sale:</p> <p>(a) pre-cooked rice (150 g); and</p> <p>(b) Curry (200 g) consisting of coconut milk (65 %), chicken meat (14 %), mixture of spices (13,2 %), aubergines (3 %), basil (2,5 %) and anchovies extract (2,3 %).</p>	1904 90 10	<p>Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1904, 1904 90 and 1904 90 10.</p> <p>This product is put up for retail sale in accordance with General Rule 3(b). Its essential character is conferred by the rice component (heading 1904).</p>								
<p>3. Ready-made meal, consisting of the following two, individually packed, components, put up in a set for retail sale:</p> <p>(a) pre-cooked rice (150 g); and</p> <p>(b) curry (200 g) consisting of coconut milk (65,4 %), chicken meat (15,5 %), potatoes (10 %), mixture of spices (7,1 %) and anchovies extract (2 %).</p>	1904 90 10	<p>Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1904, 1904 90 and 1904 90 10.</p> <p>This product is put up for retail sale in accordance with General Rule 3(b). Its essential character is conferred by the rice component (heading 1904).</p>								
<p>4. Ready-made meal, consisting of the following two, individually packed, components, put up in a set for retail sale:</p> <p>(a) pre-cooked rice (150 g); and</p> <p>(b) curry (200 g) consisting of coconut milk (50 %), beef (20 %), potatoes (15 %), mixture of spices (7 %), ground-nuts (3 %), anchovies extract (3 %) and onions (2 %).</p>	1904 90 10	<p>Classification is determined by the provisions of General Rules 1, 3 (b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 1904, 1904 90 and 1904 90 10.</p> <p>This product is put up for retail sale in accordance with General Rule 3(b). Its essential character is conferred by the rice component (heading 1904).</p>								
<p>5. Product in the form of a powder with the following composition (percentage by weight):</p> <table style="margin-left: 20px;"> <tr> <td>- protein</td> <td style="text-align: right;">92</td> </tr> <tr> <td>- - collagen content:</td> <td style="text-align: right;">65</td> </tr> <tr> <td>- moisture</td> <td style="text-align: right;">4</td> </tr> <tr> <td>- ash (550 °C)</td> <td style="text-align: right;">4</td> </tr> </table> <p>The product, which is soluble in water, is made from bones by hydrolysis. It is used to bind water in, e.g., meat products.</p>	- protein	92	- - collagen content:	65	- moisture	4	- ash (550 °C)	4	3504 00 00	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3504 and 3504 00 00.</p> <p>Taking into account that the product is made from bones and its composition, it cannot be regarded as a meat extract of heading 1603. Nor can it be considered to be, in view of the collagen content and the ash content, a gelatin of heading 3503.</p> <p>Due to the high protein content, the product has the characteristics of a protein isolate of heading 3504.</p>
- protein	92									
- - collagen content:	65									
- moisture	4									
- ash (550 °C)	4									