

**COMMISSION REGULATION (EC) No 1201/2001**  
**of 18 June 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, 18 June 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	CN code	Reasons
(1)	(2)	(3)
<p>A preparation consisting of a suspension of zinc pyrithione (fungicide substance) in water and containing (percentage by weight):</p> <ul style="list-style-type: none"> <li>— zinc pyrithione: 24-26</li> <li>— water: 75-77</li> <li>— antimicrobial preservatives: 0,5</li> <li>— a surface active agent: 0,1</li> </ul> <p>The preparation is presented in bulk and used at different concentrations as the active ingredient (fungicide) in different products</p>	3808 20 80	<p>Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, by Note 1 to Chapter 29 and by the wording of CN codes 3808, 3808 20 and 3808 20 80</p> <p>See also the HS Explanatory Note to Heading 38.08</p> <p>The preparation cannot be classified in Chapter 29 because it is presented in the form of a suspension of an active substance (zinc pyrithione). It is not put up for specific use but for general use and has the characteristics of a fungicide. It is not intended for therapeutic or prophylactic use, within the meaning of Chapter 30</p>
<p>Article made from sheets of non-cellular plastic. Dimensions are approximately 109 cm in length, 45 cm in width and 15 cm in depth. The product has one transparent side, a full zip closure and folds out to form a large box shape. It is used, for example, for the storage of clothing or household linen</p>	3926 90 91	<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 3926, 3926 90 and 3926 90 91</p> <p>This flexible and folding article is used for the storage of goods and not for the conveyance or packing of goods</p>