

COMMISSION REGULATION (EC) No 754/2004
of 21 April 2004
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⁾, and in particular Article 9(1)(a) 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 apply also 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 those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.
- (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 shall be classified within the Combined Nomenclature under the CN codes indicated in column 2.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 21 April 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by the Act of Accession of 2003.

ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. A colour plasma-screen with a diagonal measurement of the screen of 106 cm (overall dimensions 104(W) × 64,8 (H) × 9,5 (D) cm) with a 852 × 480 pixel configuration.</p> <p>The device has the following interfaces:</p> <ul style="list-style-type: none"> — an RGB connector, — a DVI connector (digital visual interface), — a control connector. <p>The RGB connector enables the device to display data directly from an automatic data-processing machine.</p> <p>The DVI connector enables the device to display signals from an automatic data-processing machine or another source, such as a DVD player or a video game player via a tuner box.</p>	8528 21 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8528, 8528 21 and 8528 21 90.</p> <p>Classification under subheading 8471 60 is excluded as the monitor is not of a kind solely or principally used in an automatic data-processing system (see Note 5 to Chapter 84).</p> <p>Likewise, the product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HSEN to heading 8531, point D).</p>
<p>2. A colour plasma-screen with a diagonal measurement of the screen of 106 cm (overall dimensions 103(W) × 63,6 (H) × 9,5 (D) cm) with a 1024 × 1024 pixel configuration and detachable loudspeakers.</p> <p>The device has the following interfaces:</p> <ul style="list-style-type: none"> — a DVI connector (digital visual interface), — a control connector. <p>The DVI connector enables the device to display signals from an automatic data-processing machine or another source, such as a DVD player or a video game player via a tuner box.</p>	8528 21 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8528, 8528 21 and 8528 21 90.</p> <p>Classification under subheading 8471 60 is excluded as the monitor is not of a kind solely or principally used in an automatic data-processing system (see Note 5 to Chapter 84).</p> <p>Likewise, the product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HSEN to heading 8531, point D).</p>