JUDGMENT OF THE COURT (First Chamber)
28 March 1990 *

In Case C-344/88

REFERENCE to the Court under Article 177 of the EEC Treaty by the Finanzgericht München (Finance Court, Munich), Federal Republic of Germany, for a preliminary ruling in the proceedings pending before that court between

Erich Wittmann GmbH & Co. KG

and

Hauptzollamt Nürnberg-Fürth (Principal Customs Office, Nuremberg-Fürth),

on the interpretation of tariff subheading 84.59 E (machines and mechanical appliances), Heading 82.04 (other hand tools), Heading 90.17 (medical instruments and appliances), and tariff subheadings 71.16 A (imitation jewellery) and 73.31 B (nails, tacks, spiked cramps) in the Annex to Council Regulation No 3000/79 of 30 December 1979 amending Regulation No 2800/78 amending Regulation No 950/68 on the Common Customs Tariff (Official Journal 1979, L 342, p. 1),

THE COURT (First Chamber)

composed of: Sir Gordon Slynn, President of Chamber, R. Joliet and G. C. Rodríguez Iglesias, Judges,

(the grounds of the judgment are not reproduced)

* Language of the case: German.

in answer to the questions referred to it by the Finanzgericht München, by order of 27 June 1988, rules as follows:

(1) Subheading 71.16 A of the Common Customs Tariff must be interpreted as including, even before the entry into force of Commission Regulation No 3558/81 of 8 December 1981 on the classification of goods falling within subheading 76.16 A of the Common Customs Tariff, stud earrings of the kind referred to in that regulation.

(2) Subheading 84.59 E II of the Common Customs Tariff must be interpreted as including ear-piercing instruments.