Explanatory Notes to the Combined Nomenclature of the European Communities

(2009/C 181/03)

Pursuant to Article 9(1)(a), second indent, of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], the Explanatory Notes to the Combined Nomenclature of the European Communities [2] are amended as follows:

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Between CN Explanatory Note to subheading **2202 10 00** and CN Explanatory Note to subheadings **2202 90 91 to 2202 90 99** the following text is inserted:

'**2202 90 10**: **Other non-alcoholic beverages not containing products of headings 0401 to 0404 or fat obtained from products of headings 0401 to 0404**

This subheading includes tonic preparations as described in the CN Explanatory Notes to this Chapter, General, second paragraph. Those non-alcoholic beverages, often referred to as food supplements may be based on extracts from plants (including herbs) and containing added vitamins or/and minerals. In general those preparations should maintain general health and well-being; therefore they differ from the flavoured or sweetened waters and other soft drinks of subheading 2202 10 00, referred to in HS Explanatory Notes to heading 2202, paragraph (A).'

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The following second paragraph is added to the CN Explanatory Note to subheadings **2202 90 91 to 2202 90 99 Other, containing by weight of fat obtained from the products of headings 0401 to 0404**:

'See CN Explanatory Note to subheading 2202 90 10.'

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[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ C 133, 30.5.2008, p. 1.