COMMISSION REGULATION (EC) No 516/1999

of 9 March 1999

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 ([1]) on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Regulation (EC) No 2261/98 ([2]), and in particular Article 9 thereof,

Whereas, 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;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the Combined Nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to this Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the Combined Nomenclature issued by the customs authorities of the Member States which do not conform to this Regulation may continue to be invoked in accordance with 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 European Parliament and Council Regulation (EC) No 82/97 ([4]), for a period of 60 days by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the Combined Nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the Combined Nomenclature issued by the customs authorities of the Member States which no longer conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of 60 days.

Article 3

This Regulation shall enter into force on the 21st 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, 9 March 1999.

For the Commission

Mario MONTI

Member of the Commission

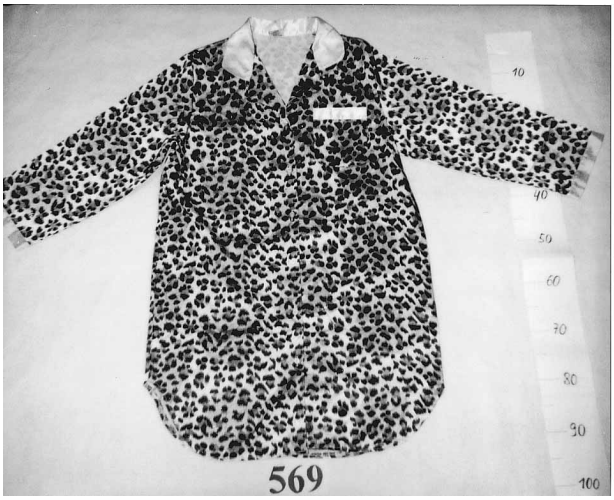
([1]) OJ L 256, 7. 9. 1987, p. 1.
([2]) OJ L 292, 30. 10. 1998, p. 1.
([3]) OJ L 302, 19. 10. 1992, p. 1.
([4]) OJ L 17, 21. 1. 1997, p. 1.

ANNEX

Description	Classification CN code	Reason
(1)	(2)	(3)
1. Ice-hockey glove; the upper part of which (back) is padded for protection and covered with non-woven material and is entirely covered on both sides with plastic. The palm is composed of non-woven polyamide microfibre. The sections between the fingers with the exception of the thumb are made from a single-colour knitted fabric. (See photograph No 573) (*)	3926 20 00	Classification is determined by the provisions of General Rules 1,3(b) and 6 for the interpretation of the Combined Nomenclature, Note 3(b) to Chapter 56 and the wording of CN codes 3926 and 3926 20 00. See also the HS Explanatory Notes to Heading 9506. The back of the glove has a protective function which confers the essential character of the product
2. Lightweight loose-fitting knitted garment (100 % cotton), of one colour, covering the body to mid-thigh (total length: 96 cm), of a straight cut, reaching down to mid-thigh. It has a rounded loose-fitting neckline and short sleeves. It is also hemmed at the sleeve-ends and at the base of the garment and has side slits of approximately 8 cm in length at the bottom of the garment. It also has an embroidery on the front. (Dress) (See photograph No 578) (*)	6104 42 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature as well as by the wording of CN codes 6104 and 6104 42 00. See also the Explanatory Notes to the Combined Nomenclature relating to CN codes 6104 41 00 to 6104 49 00. Classification as a night-dress is excluded, because the garment in question, by reason of its objective characteristics, may be worn equally in bed and elsewhere and, therefore, is not intended to be worn exclusively or essentially as night-wear. Because of the length of this garment, it cannot be classified under CN code 6109
3. Single coloured garment made of a light-pleated knitted fabric (100 % polyester) which has an average of more than 10 stitches per linear centimetre designed to cover the upper part of the body reaching down to the hips. This straight cut garment has short sleeves and the bottom edge is hemmed. It is crew-necked and has a partial opening at the back with a button fastening. (Blouse) (See photograph No 575) (*)	6106 20 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature Note 4 to Chapter 61 and the wording of CN codes 6106 and 6106 20 00. See also the Explanatory Notes of the Combined Nomenclature (Heading 6106)
4. Short-sleeved knitted garment in two colours made of a pleated light fabric of synthetic textile fibres (100 % polyester), loose, collarless, designed to cover the upper part of the body down to the hips. It has two front panels connected by a gilded metal chain held in place by two decorative buttons. The garment has a partial opening at the back from the neckline down and has a button fastening. It has shoulder pads and the bottom edge and the ends of the sleeves are hemmed. Over the whole of the front of the garment there is an insert sewn into the inside of the blouse. The insert is of a different colour than the rest of the garment and has a rounded neckline. (Blouse) (See photograph No 577) (*)	6106 20 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 9 to Chapter 61 as well as by the wording of CN codes 6106 and 6106 20 00. See also the Explanatory Notes of the Combined Nomenclature relating to CN code 6106

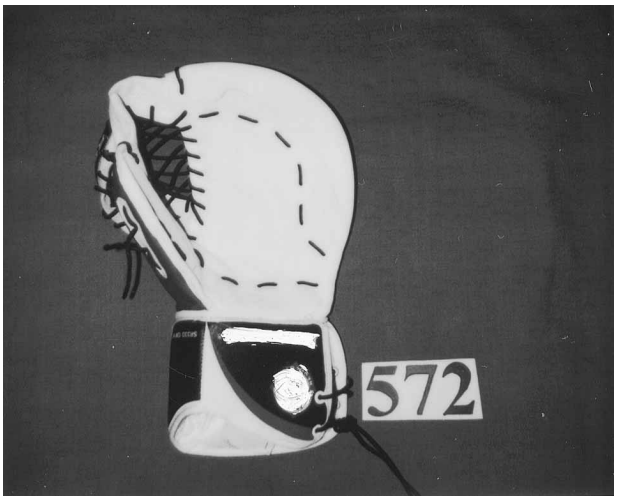
Description	Classification CN code	Reason
(1)	(2)	(3)
5. Single coloured garment made of lightly-pleated knitted fabric (100 % polyester), cut straight and designed to cover the upper part of the body reaching down to the hips; it is sleeveless with rounded armholes. The garment has a rounded neckline without an opening. It is bound round the neckline and armholes. The bottom edge is hemmed. (Vest) (See photograph No 576) (*)	6109 90 30	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, additional Note 2 to Chapter 61 and the wording of CN codes 6109, 6109 90 and 6109 90 30
6. Glove used for ice hockey. The back of the glove is padded for protection. The outside knitted fabric is made of synthetic fibres (polyester). The palm is made of non-woven polyamide microfibres. (See photograph No 574) (*)	6116 93 00	Classification is determined by the provisions of General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 6116 and 6116 93 00. See also the HS Explanatory Notes to Heading 9506. The back of the glove has a protective function which confers the essential character of the glove
7. Chequed loose-fitting woven garment (100 % cotton) intended to cover the upper part of the body, of a straight cut, with short sleeves, reaching down to the hips, with a collar with lapels in a different material. It is hemmed at the sleeve ends and at the base of the garment. A thin cord runs through the hem. This garment has two side slits of 7 cm aproximately. It has a complete opening at the front buttoning left over right and has two inset breast pockets, which can be closed with a slide fastener. (Shirt) (See photograph No 579) (*)	6205 20 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 8 to Chapter 62, as well as by the wording of CN codes 6205 and 6205 20 00. The presence of the thin cord serves no practical purpose and in no way effects the classification of the garment as a man's shirt
8. Lightweight and very loose-fitting garment in 0,2 mm thick printed 'satin' woven shiny fabric (87 % polyester, 13 % cotton), with a collar with lapels, cut straight and with a curved hemline, intended to cover the upper and lower parts of the body to above the knees (total length = 95 cm). It has long, wide sleeves, a V-shaped neckline, opens all the way down the front and can be closed by buttoning right over left. The garment also has a breast pocket sewn on and pieces of 'satin' woven shiny self-coloured fabric at the collar, at the sleeve ends and above the pocket. (Night-dress) (See photograph No 569) (*)	6208 22 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, subheading Note 2(A) to Section XI, Notes 1 and 8 to Chapter 62 and the wording of CN codes 6208 and 6208 22 00. Taking into account: — its general appearance, — its very loose-fitting cut, — its long wide sleeves, — its curved hemline, — its 'satin' woven shiny fabric in which it is manufactured, — the fact that it gives a certain comfort, this garment is to be classified as a night-dress

Description	Classification CN code	Reason
(1)	(2)	(3)
9. Set of two garments packaged for retail sale, consisting of: (a) a lightweight, very loose-fitting garment in 0,5 mm thick 'satin' woven shiny fabric with a printed design (83 % polyester, 17 % cotton), with a collar with lapels, cut straight and intended to cover the upper parts of the body as far as the hips (total length = 76 cm). It has long, wide sleeves, a V-shaped neckline, opens all the way down the front and can be closed by buttoning right over left. The garment also has a breast pocket sewn on, two slits at the side and pieces of self-coloured 'satin' woven shiny fabric at the collar, at the sleeve ends and above the pocket; (b) a pair of lightweight, loose-fitting trousers made of a 0,5 mm thick, self-coloured 'satin' woven shiny fabric (83 % polyester, 17 % cotton), cut straight, reaching from the waist down to the ankles, without an opening at the waist. This garment is tightened at the waist by an elasticated band and is hemmed at the ends of the trouser legs. (Pyjama) (See photograph Nos 570 A and 570 B) (*)	6208 22 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Subheading Note 2(A) to Section XI, Notes 1 and 8 to Chapter 62 and the wording of CN codes 6208 and 6208 22 00. See also the Explanatory Notes to the Combined Nomenclature relating to CN codes 6208 21 00 to 6208 29 00. Taking into account: — their general appearance, — their very loose-fitting cut, — its long wide sleeves, — their 'satin' woven shiny fabric in which it is manufactured, — the fact that they give a certain comfort, these garments are to be classified as a pair of pyjamas
10. Goalkeeper's glove used for ice hockey or street hockey usually worn on the left hand. This is a mitt used by the goalkeeper for catching the ball (or puck). It is padded on both sides and has a separate section inside for the fingers. The thumb and forefinger are separated by a webbing of laces (CN Heading 5607). The back of the hand is made of knitted man-made fibres. The palm is made of non-woven polyamide microfibres which is coated on the outer surface with a plastic material. (See photograph No 572) (*)	6216 00 00	Classification is determined by the provisions of General Rules 1 and 3(b) for the interpretation of the Combined Nomenclature and the wording of CN code 6216 00 00. See also the HS Explanatory Notes to Heading 9506. Classification is determined by the textile material of which the palm of the glove is made


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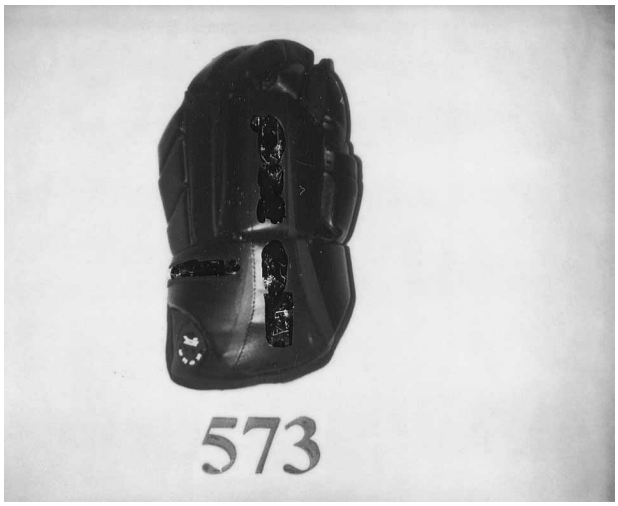

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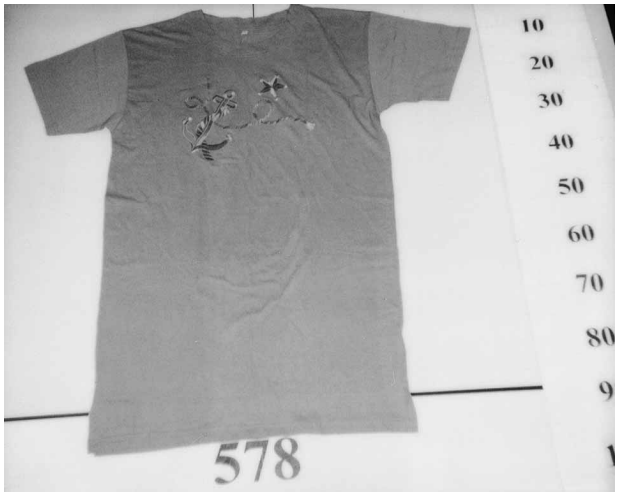

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(*) The photographs are purely for information.