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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3541/85

of 12 December 1985

on the classification of goods under subheading 27.03 A of the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff (1), as last amended by Regulation (EEC) No 2055/84 (2), and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas in order to ensure uniform application of the nomenclature of the Common Customs Tariff, provisions must be laid down concerning the tariff classification of mixtures of peat (containing not less than 75 % turf by weight) and other substances such as lime, sand, rotted leaf mould, marl, farmyard manure and small quantities of other fertilizers, with a total content of potassium (calculated as K_2O), nitrogen, phosphorus (calculated as P_2O_5) not exceeding 3 % by weight;

Whereas heading No 27.03 of the Common Customs Tariff refers to peat (including peat litter), whether or not agglomerated; whereas fertilizers other than those set out under headings No 31.01 to No 31.04 are referred to under heading No 31.05;

Whereas the goods in question, by virtue of their characteristics, cannot be regarded as goods falling within heading No 31.05;

Whereas the goods in question have the essential character of peat falling within heading No 27.03 and must therefore be classified under subheading No 27.03 A of that heading;

Whereas, since the Committee on Common Customs Tariff Nomenclature has not given its assent, the Commission is unable to adopt the provisions it had envisaged on the matter under the procedure provided for in Article 3 of the Regulation (EEC) No 97/69,

HAS ADOPTED THIS REGULATION:

Article 1

Mixtures of peat (containing not less than 75 % turf by weight) and other substances such as farmyard manure, lime, sand, rotted leaf mould, marl, and small quantities of other fertilizers, with a total content of potassium (calculated as K_2O), nitrogen, phosphorus (calculated as P_2I_5) not exceeding 3 % by weight, shall be classified in the Common Customs Tariff under the following subheading:

27.03 Peat (including peat litter), whether or not agglomerated:

A. Peat

Article 2

This Regulation shall enter into force on the 21st day following that of 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, 12 December 1985.

For the Council

The President

R. GOEBBELS

(1) OJ No L 14, 21. 1. 1969, p. 1.
(2) OJ No L 191, 19. 7. 1984, p. 1.