COMMISSION REGULATION (EC) No 2696/95

of 21 November 1995

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], as last amended by Commission Regulation (EC) No 2588/95 [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 those rules also apply 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;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present 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 accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which do not conform to the rights established by this Regulation, can continue to be invoked, under the provisions in Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [3], as amended by Commission Regulation (EEC) No 2454/93 [4], for a period of three months 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

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of three months.

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, 21 November 1995.

For the Commission

Mario MONTI

Member of the Commission

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[1] OJ No L 256, 7. 9. 1987, p. 1.
[2] OJ No L 264, 7. 11. 1995, p. 4.
[3] OJ No L 302, 19. 10. 1992, p. 1.
[4] OJ No L 253, 11. 10. 1993, p. 1.

ANNEX

Description of goods	Classification CN code	Reasons
(1)	(2)	(3)
1. Food preparation with the following composition : — water 55,9 %, — monoglycerides of fatty acids 23,5 %, — propylene glycol 7,3 %, — polyglycerol esters 5,9 %, — sorbitol 3,5 %, — soap 2,6 %, — diglycerides of fatty acids 1,1 %, — potassium propionate 0,1 % This product is an emulsifier used in the manufacture of various types of baker's wares.	2106 90 92	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, by Note 1 (b) to Chapter 38, and by the wording of CN codes 2106, 2106 90 and 2106 90 92. See also the Explanatory Notes to the HS, Chapter 38, General, fourth paragraph.
2. Product in the form of powder, granules or pellets, containing by weight approximately : — 48 % of calcium hydrogenorthophosphate ['dicalcium phosphate'], — 40 % of calcium bis(dihydrogenorthophosphate) ['monocalcium phosphate'] and — 12 % of calcium carbonate, of a kind used in animal-feeding.	2309 90 93	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 2309, 2309 90 and 2309 90 93. See also the Explanatory Notes to the HS, heading 23.09, Part II-C. The product does not answer to the descriptions given in note 3 (A) to Chapter 31.
3. Made-up textile article (dimensions : 5 cm × 80 cm), consisting of a textile tube containing polyacrylamide in the form of granules, which, when wet, is used for cooling the skin. [See photograph (1)]	3926 90 99	Classification is determined by the provisions of general rules 1, 3 (b) and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 99. The product has the essential character of a polyacrylamide product.

(1) The photograph is purely for illustrative purposes.

