Commission Implementing Regulation (EU) 2019/1811 of 23 October 2019 concerning the classification of certain goods in the Combined Nomenclature

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1811

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concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code[(1)], and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87[(2)], it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also 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 provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1811. (See end of Document for details)*

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 October 2019.

For the Commission,

On behalf of the President,

Stephen QUEST

Director-General

Directorate-General for Taxation and Customs Union

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1811. (See end of Document for details)*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
A mobile, self-balanced, electrically powered machine, a so called 'telepresence robot'. It consists of the following main components in a single housing with two wheels mounted on an axle: — an accelerometer and a gyroscope, — an electric motor, — a Bluetooth module, — a rechargeable battery. The article has a power connection for recharging the battery, a status light and a vertical telescopic pole with motorised height control. The pole has a detachable holder for a tablet computer ('tablet') on the top. The holder is equipped with a USB port for charging the tablet. The article can be remotely controlled only by means of a compatible device (tablet, etc.) with wireless communication functions using Bluetooth. The article is used to transport and lift or lower the tablet and to supply the tablet with electricity. See image[a].	8428 90 90	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to Section XVI and by the wording of CN codes 8428, 8428 90 and 8428 90 90. The article merely moves the tablet and supplies it with electricity; it does not enable the tablet to perform operations other than that for which it is designed. Therefore it is neither adapting the tablet for a particular operation, nor increasing its range of operations, nor performing a particular service relative to the main function of the tablet (see judgment of 16 June 2011, Unomedical, C-152/10, EU:C:2011:402, paragraph 29, and see also the Harmonised System Explanatory Notes to heading 8473, second paragraph). Consequently, classification under heading 8473 as an accessory for use solely or principally with machines of headings 8470 to 8472 is excluded. Classification under heading 8479 or 8543 is excluded as the article performs several functions of machines referred to in the headings of Chapter 84 or 85 (Section XVI), such as a lifting and handling function (transporting and lifting or lowering a tablet), to provide current to a device and a communication function using the Bluetooth protocol.

a The image is purely for information.