Council Regulation (EU) No 953/2013 of 26 September 2013 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

COUNCIL REGULATION (EU) No 953/2013

of 26 September 2013

amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) HS subheading 852851 in Annex I to Council Regulation (EEC) No 2658/87[(1)] comprises monitors, other than cathode-ray tube (CRT) monitors, of a kind solely or principally used in an automatic data-processing system of heading 8471. Monitors other than those of a kind solely or principally used in an automatic data-processing system of heading 8471 are classified under HS subheading 852859.

(2) In accordance with established case-law of the Court of Justice of the European Union[(2)], the classification of monitors under either HS subheading 852851 or 852859 has to be based on an overall assessment of the objective characteristics and properties of each particular monitor.

(3) Due to the convergence of digital technologies, it has become very difficult to determine, by reference to mere technical characteristics, whether or not a particular monitor is of a kind solely or principally used in an automatic data-processing system of heading 8471. In particular, ensuring the correct and uniform classification of flat panel displays which can display, with an acceptable level of functionality, signals from both automatic data-processing systems and other sources, has become technically impossible.

(4) In order to ensure a rational development of production and an expansion of consumption within the territory of the Union and to promote trade between Member States and third countries, it is in the interest of both Union consumers and Union industry to provide for a duty-free treatment for the above-mentioned monitors.

(5) Annex I to Regulation (EEC) No 2658/87 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) No 953/2013. (See end of Document for details)*

Article 1

1 Annex I to Regulation (EEC) No 2658/87 is amended as set out in the Annex to this Regulation.

2 The amendments to the CN subheadings provided for in this Regulation shall be applicable as TARIC subheadings until 31 December 2013.

Article 2

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, 26 September 2013.

For the Council

The President

E. GUSTAS