Commission Implementing Regulation (EU) No 704/2013 of 23 July 2013 concerning the classification of certain goods in the Combined Nomenclature

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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 Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff[(1)], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, 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 which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code[(2)].

(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.

Article 2

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

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 July 2013.

For the Commission, On behalf of the President,

Algirdas ŠEMETA

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 704/2013. (See end of Document for details)*

ANNEX

Description of the goods	Classification(CN code)	Reasons
(1)	(2)	(3)
1. An electronic control unit for a working voltage not exceeding 1 000 V (so-called "Body Control Module"), designed as a component of the electronic control system of a motor vehicle with dimensions of approximately 16 × 13 × 3 cm, comprising: — a programmable memory controller with active and passive components, for example, transistors, diodes, a processor, resistors, capacitors and inductors, — a built-in receiver and an attached antenna. The unit receives signals from manually operated buttons and from sensors (for example, rain sensors and photo sensors), processes them and on this basis controls various devices in the vehicle, for example, windscreen wipers, window heating, interior lighting, front and rear fog lamps, daytime running lights. It also controls the activation of signalling devices, for example, seatbelt reminder and over speed warning. It receives signals from the key remote control enabling the vehicle doors to be locked or unlocked.	8537 10 99	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, Note 2(f) to Section XVII and by the wording of CN codes 8537, 8537 10 and 8537 10 99. Classification under heading 8512 is excluded as the unit does not contain any visual or sound signalling equipment but only activates such equipment. Classification under heading 9032 is also excluded as the unit does not perform the function of automatic control of electrical or non-electrical quantities (see Note 7 to Chapter 90). The unit is designed for the purpose of performing two or more complementary or alternative functions covered by CN codes 8537 10 91 and 8537 10 99. It performs the function of a programmable memory controller used for the electric control of machines, for example, windscreen wipers and window heating (see also the Harmonised System Explanatory Notes (HSEN) to heading 8537, point (3), and the Explanatory Notes to the Combined Nomenclature (CNEN) to subheading 8537 10 91). It also performs the function of electric control of the activation of signalling devices, for example, seatbelt reminder and over speed warning. As both functions are equally important for the functioning of the unit, it is