# Commission Implementing Regulation (EU) No 69/2013 of 23 January 2013 concerning the classification of certain goods in the Combined Nomenclature

## COMMISSION IMPLEMENTING REGULATION (EU) No 69/2013

## of 23 January 2013

## 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 69/2013. (See end of Document for details)*

*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 January 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 69/2013. (See end of Document for details)*

ANNEX

| **Description of the goods** | **Classification(CN code)** | **Reasons** |
|---|---|---|
| (1) | (2) | (3) |
| 1. An apparatus for the reception, recording or reproducing of audio and video (so-called 'digital media receiver') of a cylindrical shape with overall dimensions of approximately 13 (diameter) × 19 (height) cm.<br>The apparatus incorporates:<br>— a microprocessor,<br>— a hard disk drive of 500 GB,<br>— an alphanumeric display,<br>— an infrared receiver for the remote control.<br>It is equipped with the following interfaces:<br>— USB,<br>— Ethernet,<br>— HDMI, S-video, composite and component video outputs,<br>— digital optical, digital coaxial and analogue audio outputs.<br>It is also equipped with control buttons and supplied with a remote control.<br>The apparatus is capable of receiving audio and video signals in digital format from an external source (for example, a router, an automatic data-processing machine, a digital camera, a USB memory). The data may be stored on its hard disk.<br>The data is reproduced on a monitor, a television set or through a stereo system.<br>The apparatus cannot gain access to the internet. | 8521 90 00 | Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8521 and 8521 90 00.<br>Given its characteristics, namely the capacity to receive, record and reproduce video signals from various sources and the size of the hard disk, the apparatus is considered to be a video recording or reproducing apparatus of heading 8521.<br>It is therefore to be classified as a video recording or reproducing apparatus under CN code 8521 90 00. |