Commission Regulation (EC) No 2171/2005 of 23 December 2005 concerning the classification of certain goods in the Combined Nomenclature

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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)], 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 Community provisions, 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 to this Regulation should be classified under the CN codes 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 codes indicated in column 2 of that table.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 2171/2005. (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 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 December 2005.

For the Commission

László KOVÁCS

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 2171/2005. (See end of Document for details)*

ANNEX

Description of the goods	**Classification(CN code)**	**Reasons**
(1)	(2)	(3)
1. A colour monitor of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 38,1 cm (15″) and overall dimensions of 34,5 (W) × 35,3 (H) × 16,5 (D) cm (aspect ratio 5:4) with: — a maximum resolution of 1 024 × 768 pixels at 75 Hz, — a pixel size of 0,279 mm. The product has a mini D-sub 15 pin interface only. It is designed for working only in conjunction with a product classifiable under heading 8471.	8471 60 80	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5(B) to Chapter 84 and by the wording of CN codes 8471, 8471 60 and 8471 60 80. The product is not classifiable under heading 8531 because its function is not to provide visual indication for signalling purposes (see the HS Explanatory Notes to heading 8531, point D). The intended use of the monitor is that of accepting signals from the central processing unit of an automatic data-processing system. The product is also capable of reproducing both video and sound signals. Nevertheless, in view of its size and its limited capability of receiving signals from a source other than an automatic data-processing machine via a card without video processing features, it is considered to be of a kind solely or principally used in an automatic data-processing system.
2. A colour monitor of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 50,8 cm (20″) with overall dimensions of 47,1 (W) × 40,4 (H) × 17,4 (D) cm (aspect ratio 16:10) with: — a screen pixel density of 100 dpi,	8528 21 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5(B) and 5(E) to Chapter 84 and by the wording of CN codes 8528, 8528 21 and 8528 21 90. Classification under subheading 8471 60 is excluded as the monitor is not