Commission Regulation (EC) No 1655/2005 of 10 October 2005 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 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: *Commission Regulation (EC) No 1655/2005 is up to date with all changes known to be in force on or before 20 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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, 10 October 2005.

For the Commission

László KOVÁCS

Member of the Commission

***Changes to legislation:** Commission Regulation (EC) No 1655/2005 is up to date with all changes known to be in force on or before 20 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX

Description of the goods	Classification(CN-code)	Reasons
(1)	(2)	(3)
1. An unassembled article in the form of a reduced-size greenhouse, so-called 'mini-greenhouse', with approximate dimensions of 50 cm (length), 24 cm (width) and 25 cm (height). The frame is made of wood, the floor is in the form of a metal grill and the enclosing element is made of plastic. When assembled, the upper part of the 'mini-greenhouse' can be opened. (See photograph A)[a]	4421 90 98	Classification is determined by General Rules 1, 2(a), 3(b) and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 4421, 4421 90 and 4421 90 98. The essential character of the product is given by the constructive element (wooden frame). Because of the size it cannot be considered as a prefabricated building of heading 9406.
2. Household-type combined refrigerator-freezer of a capacity of 579 litres, fitted with two separate external doors. The overall dimensions are 180,8 cm (height), 92,5 cm (width) and 81,6 cm (depth). The weight is 112 kg. The capacity of the refrigerator is 368 litres and the capacity of the freezer is 211 litres. The refrigerator has tempered glass shelves, two vegetable drawers and, on the inside of the door, space for storing bottles, etc. The freezer has three drawers.	8418 10 91	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8418, 8418 10 and 8418 10 91. Subheading 8418 10 covers all combined refrigerator-freezers, fitted with separate external doors, whether or not of a household type.
3. Set put up for retail sale comprising: — a television camera in a casing in the form of a plastic brick; — a kit made up of bricks and	8525 30 90	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8525, 8525 30 and 8525 30 90. Although the set is designed for children, it cannot be

a The photograph is purely for information.