# Commission Regulation (EC) No 635/2005 of 26 April 2005 concerning the classification of certain goods in the Combined Nomenclature

## COMMISSION REGULATION (EC) No 635/2005

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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 also apply 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 the said 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.

(4) It is appropriate to provide that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature and 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 635/2005. (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 20th 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 635/2005. (See end of Document for details)*

ANNEX

| Description of the goods | Classification(CN code) | Reasons |
|---|---|---|
| (1) | (2) | (3) |
| [F1] | | |
| 2. Diuretic/renal tea put up in bags for retail sale. The label contains the following information:<br>1) Composition of each bag (1,8 g): Medicinally active ingredients:<br>— 0,47 g horsetail<br>— 0,45 g birch leaves<br>— 0,38 g golden rod<br>— 0,2 g spiny restharrow root<br>Other ingredients: Rose hip husks, cornflower leaves, peppermint leaves, marigold blossom, liquorice root.<br>2) Dosage and mode of application: Pour one cup (approximately 150 ml) of boiling water onto one tea bag, cover and leave to brew for approximately 15 minutes and then remove the tea bag. Unless otherwise prescribed, one cup of freshly brewed tea 3 to 4 times a day between meals.<br>3) Applications: | 2106 90 92 | Classification in accordance with General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Additional Note 1 to Chapter 30, the description for CN codes 2106, 2106 90 and 2106 90 92.<br>See also the HS Explanatory Notes to heading 2106, paragraph 14 and the Combined Nomenclature Explanatory Notes to Chapter 30.<br>Neither the user directions nor packaging contain any details of the type and concentration of the active substance(s). They mention only the amount and type of plants or parts of plants used. The conditions of Additional Note 1(b) to Chapter 30 are not therefore met. |
| **a** [F1] | | |