COMMISSION REGULATION (EC) No 614/2004
of 30 March 2004
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 should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3.

(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 Customs Code Committee has not delivered an opinion within the time limit set by its chairman as regards product No 2 in the annexed table.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee as regards products Nos 1, 3, 4, 5, 6 and 7 in the annexed table,

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.

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 pursuant to Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 30 March 2004.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1; Regulation as last amended by Commission Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p. 38).

[2] OJ L 302, 19.10.1992, p. 1; Regulation as last amended by the Act of Accession of 2003.

ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Network controller in a housing with dimensions of 355 × 285 × 115 mm, a liquid crystal display (4 lines × 20 characters) and a keyboard with four control buttons. The apparatus is microprocessor based and also contains parameter memory, program memory and a disk drive. It has a transceiver plug-in facility. The apparatus has up to eight multifunction interfaces for configuration and network-connection. The apparatus processes signals and reformats data for transmission between an automatic data-processing machine and a radio transceiver on a wired network.	8471 80 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI and by the wording of CN codes 8471 and 8471 80 00. The function as a connection unit in relation to the memory function is the principal function that characterises the whole.
2. Network controller with built-in radio transceiver unit, in a housing with dimensions of 355 × 285 × 115 mm, a liquid crystal display (4 lines × 20 characters) and a keyboard with four control buttons. The apparatus is microprocessor based and also contains parameter memory, program memory and a disk drive. The radio transceiver unit consists of a high-frequency component (HF component) with antenna, filter, amplifier, oscillator and frequency synthesiser. This unit transmits within a frequency range of 403 to 512 MHz to up to 20 programmable channels within a range of 400 m. The apparatus has up to eight multifunction interfaces for configuration and network-connection. The apparatus processes signals and reformats data for transmission between an automatic data-processing machine and a radio transceiver on a wired network.	8471 80 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8471 and 8471 80 00. The function as a connection unit in relation to the memory function is the principal function that characterises the whole.
3. Radio-link controller in a housing with dimensions of 279 × 224 × 89 mm, eight selecting buttons and an antenna. The apparatus consists of a microprocessor, program memory and a radio transceiver. The radio transceiver transmits and receives data on up to eight channels within a frequency range of 403 to 512 MHz within a range of 400 m. The device has an interface, which enables it to receive data from wireless terminals, and forwards it to the network via a network controller. It is also connected to an automatic data-processing machine.	8525 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 3 to section XVI, and by the wording of CN codes 8525, 8525 20 and 8525 20 99. Radio transmission/reception is the principal function that characterises the whole.