COMMISSION REGULATION (EC) No 687/2002
of 22 April 2002
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], as last amended by Commission Regulation (EC) No 578/2002 [2], and in particular Article 9 thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to the said Regulation, 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 set 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 annexed to the present Regulation must be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3.

(4) It is appropriate 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 does not conform to the provisions of this Regulation, can continue to be invoked, under the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [3], as last amended by European Parliament and Council Regulation (EC) No 2700/2000 [4], for a period of three months by the holder.

(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 annexed table are classified within the Combined Nomenclature under the CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which does not conform to the provisions of this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 April 2002.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.
[2] OJ L 97, 13.4.2002, p. 1.
[3] OJ L 302, 19.10.1992, p. 1.
[4] OJ L 311, 12.12.2000, p. 17.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Product (of dimensions L × W × H = 52,5 × 25 × 4,5 cm), designed to hold surgical instruments, consisting of two separate parts of moulded and perforated plastic The two parts are held together, one on top of the other, with metallic clips on each side. The upper part has two metallic handles The lower part incorporates compartments, specially shaped to hold the instruments The product is presented without the surgical instruments See photograph A (*)	3926 90 99	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3926, 3926 90 and 3926 90 99 The product cannot be considered as being an accessory of a surgical instrument or appliance of CN code 9018
2. A hand-held global-positioning device (of dimensions H × W × D = 8 × 17,3 × 6,5 cm), with a 16-colour LCD display (of a diagonal screen-measurement of 10,4 cm) and several control buttons. The device has a 12-parallel-channel receiver capable of continuously tracking and using 12 satellites to compute and update positions, as well as a detachable antenna, and operates using either batteries or a 10 to 35 V DC adapter It is supplied with the following accessories: yoke mount, a low-profile remote antenna, a cigarette-lighter adapter, a cable to update data, a manual and a carrying-case See photograph B (*)	8526 91 90	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 8526, 8526 91 and 8526 91 90 The apparatus does not fulfil the conditions of Section II, paragraph B, of the preliminary provisions of the Combined Nomenclature, in that it is not considered as being for incorporation into a civil aircraft
3. An article consisting of an aluminium platform to stand on, which is connected to a small wheel at the back. The front is connected to a height-adjustable and lockable steering column. The steering column is provided with a small wheel and handle bar grips The article is capable of being folded at the connection between the steering column and the platform The article is suitable to be ridden by both children and adults See photograph C (*)	9501 00 90	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1 to Section XVII and the wording of the CN codes 9501 and 9501 00 90 The product is considered to be a wheeled toy designed to be ridden by children even though it may be used by adults The wording of heading 9501 does not preclude the use of such articles by adults
4. An unassembled plastic model (1:200) of a Boeing ™ 767-300ER aeroplane with the dimensions (l × w × h) 27 × 24,5 × 8 cm. The model consists of the following elements: — a fuselage or principal body — 2 wings, each carrying a motor — a tail plane — a tail fin — a standard — a pedestal The pedestal and both sides of the body carry the name of an airline company. The tail fin, the motors and the pedestal carry the logo of an airline company See photograph D (*)	9503 20 10	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and the wording of the CN codes 9503, 9503 20 and 9503 20 10 The article is a reduced-size model for recreational purposes

(*) The photographs are purely for information.