Commission Implementing Regulation (EU) No 42/2013 of 17 January 2013 amending Regulation (EC) No 1510/96 concerning the classification of certain goods in the Combined Nomenclature

COMMISSION IMPLEMENTING REGULATION (EU) No 42/2013

of 17 January 2013

amending Regulation (EC) No 1510/96 concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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) In accordance with Commission Regulation (EC) No 1510/96 of 26 July 1996 concerning the classification of certain goods in the Combined Nomenclature[(2)] plastic shells containing plastic spinning tops and chewing gum have been classified under CN code 9503 90 32 as regards the spinning top and under CN code 1704 10 99 as regards the chewing gum. As a consequence of the introduction of Note 4 to Chapter 95 of the Combined Nomenclature with effect from 1 January 2007, those items should be classified together as combinations having the essential character of a toy under CN code 9503 00 95.

(3) Regulation (EC) No 1510/96 should therefore be amended accordingly.

(4) 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 first item of the table set out in the Annex to Regulation (EC) No 1510/96 is replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth 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.

Done at Brussels, 17 January 2013.

For the Commission, On behalf of the President,

Algirdas ŠEMETA

Member of the Commission