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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 704/2013

of 23 July 2013

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) 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 provisions of the Union, 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) 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 code indicated in column (2) of that table.

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 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, 23 July 2013.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. An electronic control unit for a working voltage not exceeding 1 000 V (so-called "Body Control Module"), designed as a component of the electronic control system of a motor vehicle with dimensions of approximately 16 × 13 × 3 cm, comprising: — a programmable memory controller with active and passive components, for example, transistors, diodes, a processor, resistors, capacitors and inductors, — a built-in receiver and an attached antenna. The unit receives signals from manually operated buttons and from sensors (for example, rain sensors and photo sensors), processes them and on this basis controls various devices in the vehicle, for example, windscreen wipers, window heating, interior lighting, front and rear fog lamps, daytime running lights. It also controls the activation of signalling devices, for example, seatbelt reminder and over speed warning. It receives signals from the key remote control enabling the vehicle doors to be locked or unlocked.	8537 10 99	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, Note 2(f) to Section XVII and by the wording of CN codes 8537, 8537 10 and 8537 10 99. Classification under heading 8512 is excluded as the unit does not contain any visual or sound signalling equipment but only activates such equipment. Classification under heading 9032 is also excluded as the unit does not perform the function of automatic control of electrical or non-electrical quantities (see Note 7 to Chapter 90). The unit is designed for the purpose of performing two or more complementary or alternative functions covered by CN codes 8537 10 91 and 8537 10 99. It performs the function of a programmable memory controller used for the electric control of machines, for example, windscreen wipers and window heating (see also the Harmonised System Explanatory Notes (HSEN) to heading 8537, point (3), and the Explanatory Notes to the Combined Nomenclature (CNEN) to subheading 8537 10 91). It also performs the function of electric control of the activation of signalling devices, for example, seatbelt reminder and over speed warning. As both functions are equally important for the functioning of the unit, it is not possible to determine the unit's principal function. The unit is therefore to be classified under CN code 8537 10 99 as other boards, panels, consoles, desks, cabinets and other bases for electric control for a voltage not exceeding 1 000 V.
2. An electronic control unit for a working voltage not exceeding 1 000 V (so-called "Automatic transmission" (ATM)), designed as a component of the electronic control system of a motor vehicle, with dimensions of approximately 8 × 6 × 3 cm. It comprises a controller with active and passive components, for example, transistors, diodes, a processor, resistors, capacitors and inductors. The controller is not programmable. The unit receives signals from sensors recording the position of the gear lever, processes them and on this basis controls the engagement of the appropriate gear of the automatic transmission of a motor vehicle.	8537 10 99	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(f) to Section XVII and by the wording of CN codes 8537, 8537 10 and 8537 10 99. Classification under CN code 8537 10 91 is excluded as the unit is only used for the electrical control of the engagement of the appropriate gear of the automatic transmission of a motor vehicle and the controller is not programmable. Classification under heading 9032 is also excluded as the unit does not perform the function of automatic control of electrical or non-electrical quantities (see Note 7 to Chapter 90). The unit is therefore to be classified under CN code 8537 10 99 as other boards, panels, consoles, desks, cabinets and other bases for electric control for a voltage not exceeding 1 000 V.

(1)	(2)	(3)
3. An electronic control unit for a working voltage not exceeding 1 000 V (so-called "Smart Key"), designed as a component of the electronic control system of a motor vehicle with dimensions of approximately 15 × 12 × 4 cm, comprising: — a programmable memory controller with active and passive components, for example, transistors, diodes, a processor, resistors, capacitors and inductors, — a built-in receiver for transponder communication (localization of the key) between the key and the unit. The unit is connected to antennae already incorporated in the vehicle allowing the detection of the presence of the key near the vehicle. The unit receives signals from manually operated buttons and from the antennae, processes them and on this basis controls devices, for example, locks or unlocks the vehicle doors, starts up the engine. It also controls the activation of signalling devices, for example, the control functions for key-free access including acoustic warning when the electronic key has left the vehicle.	8537 10 99	Classification is determined by General Rules 1, 3(c) and 6 for the interpretation of the Combined Nomenclature, Note 2(f) to Section XVII and by the wording of CN codes 8537, 8537 10 and 8537 10 99. Classification under heading 8512 is excluded as the unit does not have any visual or sound signalling equipment but only activates such equipment. Classification under heading 9032 is also excluded as the unit does not perform the function of automatic control of electrical or non-electrical quantities (see Note 7 to Chapter 90). The unit is designed for the purpose of performing two or more complementary or alternative functions covered by CN codes 8537 10 91 and 8537 10 99. It performs the function of a programmable memory controller used for the electric control of machines, for example, locking or unlocking the vehicle doors and starting up the engine (see also the HSEN to heading 8537, point (3), and the CNEN to subheading 8537 10 91). It also performs the function of electric control of the activation of signalling devices, for example, the control functions for key-free access including acoustic warning when the electronic key has left the vehicle. As both functions are equally important for the functioning of the unit, it is not possible to determine the unit's principal function. The unit is therefore to be classified under CN code 8537 10 99 as other boards, panels, consoles, desks, cabinets and other bases for electric control for a voltage not exceeding 1 000 V.

COMMISSION IMPLEMENTING REGULATION (EU) No 705/2013
of 23 July 2013
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) 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 provisions of the Union, 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) 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 code indicated in column (2) of that table.

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 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, 23 July 2013.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A handheld device (so-called "Aircraft passenger handset") comprising a control unit incorporating a microphone and a loudspeaker, various buttons on the front and back, a display, a magnetic card-reader and a connection socket, for a voltage not exceeding 1 000 V, with dimensions of approximately 16 × 4 × 2,5 cm. The device is designed to be installed into the passenger seat of an aircraft for performing the following functions: — acting as a switch and control device for various external devices, for example, audio/video equipment, game consoles or other on-board services, — making telephone calls through the public on-board communication network as it converts audio-frequency pulses into sound waves and vice versa, — reading data from swipe cards. The device cannot connect directly to a communication network.	8537 10 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 8537, 8537 10 and 8537 10 99. The device cannot connect directly to a communication network. Consequently, classification under heading 8517 as a telephone set or other apparatus for the transmission or reception of voice, images or other data is excluded. The device is a composite machine consisting of machines classified under different headings of Section XVI. By virtue of Note 3 to Section XVI and due to its objective characteristics, the component performing the electric control function is considered the machine's principal function, as it is principally used for selecting and controlling various external devices. Consequently, classification under heading 8471 as a card reader or under heading 8518 as a microphone and a loudspeaker is excluded. The article is therefore to be classified under CN code 8537 10 99 as other boards, panels, consoles, desks, cabinets and other bases for electric control for a voltage not exceeding 1 000 V.

COMMISSION IMPLEMENTING REGULATION (EU) No 706/2013
of 23 July 2013
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) 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 provisions of the Union, 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) 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 code indicated in column (2) of that table.

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 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, 23 July 2013.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A control unit consisting of a printed circuit assembly containing integrated circuits (for example, a controller obtained by semiconductor technology), passive elements (for example, resistors, capacitors and inductors), active elements (for example, diodes and transistors) and a heat sink for a voltage not exceeding 1 000 V, in a housing with dimensions of approximately 24 × 13 × 5 cm. After the installation of the appropriate software, the control unit is incorporated in a washing machine whose functions it is intended to control (for example, starting and stopping the motor and the water heating system, opening and closing the water valves).	8537 10 91	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(a) to Section XVI and by the wording of CN codes 8537, 8537 10 and 8537 10 91. Classification under heading 8450 as a part of a washing machine is excluded as the unit is a product included in a heading of Chapter 85. As the unit consists of a printed circuit assembly it does not fulfil the conditions for electronic integrated circuits laid down in Note 8(b) to Chapter 85. Classification under heading 8542 is therefore also excluded. Since the unit is programmable and used for the electric control of the functions of a washing machine, it is therefore to be classified under CN code 8537 10 91 as programmable memory controllers for a voltage not exceeding 1 000 V.

COMMISSION IMPLEMENTING REGULATION (EU) No 707/2013
of 23 July 2013
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) 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 provisions of the Union, 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) 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 code indicated in column (2) of that table.

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 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, 23 July 2013.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Welded pipes of non-alloy steel, of circular cross-section of a length of 3 or 6 m, wall thickness of 2,6 to 3,6 mm and an external diameter of 33,7 to 114,2 mm, with grooves at both ends. They are intended to be used as pipes in sprinkler systems. (*) See image.	7306 30 77	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7306, 7306 30 and 7306 30 77. Given its objective characteristics and properties, the goods meet the terms of heading 7306. This heading covers also pipes and tubes that are used, for example, in machines of Chapter 84 (see also the Harmonised System Explanatory Notes to heading 7306). The intended use of the pipes is not inherent to their objective characteristics as they are not of a particular shape, they are not made up into specific identifiable articles and therefore, upon presentation, they cannot be identified as parts of a mechanical appliance for projecting, dispersing or spraying liquids or powders of heading 8424. The grooves just serve for connecting the pipes. Consequently, classification as parts of mechanical appliances of heading 8424 is excluded. The pipes are therefore to be classified under CN code 7306 30 77 as other welded pipes of non-alloy steel.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 708/2013
of 23 July 2013
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) 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 provisions of the Union, 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) 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 Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

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) of that table.

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 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, 23 July 2013.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An article (so-called "LED strip") comprising light-emitting diodes (LED), transistors, resistors and protection diodes. The components are assembled in a printed circuit in the form of a flexible metallic strip with an adhesive layer protected by a detachable paper on the bottom with dimensions of approximately 17 × 1 cm. The components are interconnected. Contacts at the ends of the strip prepared for soldering (for example, wires) allow connection to a 12 V DC power supply. The article provides light when supplied with electrical current. The article is a lighting fitting designed to be used, for example, in furniture. (*) See image.	9405 40 99	Classification is determined by General Rules 1, 2(a) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9405, 9405 40 and 9405 40 99. As the article consists of a printed circuit assembly (see also the CN Explanatory Notes to subheading 8443 99 10, covering electronic assemblies), it does not fulfil either the conditions for semiconductor devices or a discrete LED within the meaning of heading 8541. Consequently, classification under heading 8541 is excluded. The article has all the objective characteristics of a lighting fitting of heading 9405. Consequently, classification under heading 8543 is excluded. Given its objective characteristics the article has the essential character of a complete lighting fitting of heading 9405 as to function it only needs to be connected to a power supply. It is therefore to be classified under CN code 9405 40 99 as other lighting fittings.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 709/2013**of 24 July 2013****amending Regulation (EU) No 717/2010 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) Commission Regulation (EU) No 717/2010⁽²⁾ classified a so-called "exhaust gas temperature sensor" under CN code 8533 40 10 as other variable resistors.
- (2) The product classified in Regulation (EU) No 717/2010 should be considered a fixed resistor because its resistance is not variable at will, but depends only on the temperature. It is therefore necessary to change the product's classification to CN code 8533 21 00.
- (3) Regulation (EU) No 717/2010 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 Annex to Regulation (EU) No 717/2010 is replaced by the text set out in the Annex to this Regulation.

Article 2

Binding tariff information issued by the customs authorities of Member States which is not in accordance with Regulation (EU) No 717/2010, as amended by this Regulation, may continue to be invoked for a period of three months from the date of entry into force of this Regulation under Article 12(6) of Council Regulation (EEC) No 2913/92⁽³⁾.

Article 3

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, 24 July 2013.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 210, 11.8.2010, p. 24.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

'ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
A product (so-called 'exhaust gas temperature sensor') consisting of: — a thermistor with a power handling capacity not exceeding 20 W, in its own housing, — a fixing bolt, — a shaft facilitating fixation inside a vehicle's exhaust system, — an electrical cable, with a heat resistant sleeve, which connects the product to a plug and which, in turn, enables connection to the vehicle's engine management system. Depending on the temperature, the thermistor changes its resistance. When connected, this change of resistance produces a change of electrical current, which is transmitted to the engine management system. The product cannot convert the electrical current output into a temperature measurement or display the temperature.	8533 21 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8533 and 8533 21 00. Classification under heading 9025 as a thermometer or as a part thereof is excluded as the product cannot measure nor display temperature. The product is a non-linear resistor the resistance of which changes with temperature and is not variable at will (see also the Harmonised System Explanatory Notes to heading 8533 (A)(5) and (B)). It is therefore to be classified under CN code 8533 21 00 as other fixed resistors for a power handling capacity not exceeding 20 W.'

COMMISSION IMPLEMENTING REGULATION (EU) No 710/2013
of 24 July 2013
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) 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 provisions of the Union, 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) 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 code indicated in column (2) of that table.

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 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, 24 July 2013.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A device (so-called 'Traffic Message Channel (TMC) receiver') comprising an FM receiver, an aerial cable (antenna) and a power supply. It is equipped with a USB-connector. The device receives telemetric signals containing traffic information using a traffic message channel through FM radio broadcast band. The device is to be connected with a USB-connector to a global positioning system (GPS) receiver, which processes the telemetric signals received and displays the traffic information on the screen. The device does not receive sound broadcast signals.	8517 69 39	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8517, 8517 69 and 8517 69 39. As the device only works when connected to a GPS, increasing the GPS' functionality, it is considered an accessory of a GPS and is therefore to be classified on its own merits. The device does not receive any sound signals. Consequently, classification under heading 8527 as a reception apparatus for radio-broadcasting is excluded. The device is not portable as it only works when connected to a GPS. In addition, the device cannot perform alone the calling, alerting or paging function as it only receives telemetric signals. Consequently, classification under subheading 8517 69 31 as portable receivers for calling, alerting or paging is excluded. The device is therefore to be classified under CN code 8517 69 39 as other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (see also the CN Explanatory Notes to subheading 8517 69 39, item 6).

COMMISSION IMPLEMENTING REGULATION (EU) No 711/2013
of 24 July 2013
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) 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 provisions of the Union, 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) 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 code indicated in column (2) of that table.

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 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, 24 July 2013.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An unassembled toy figurine of plastics, approximately 4,5 cm tall, consisting of two parts. It is presented in a plastic container in the shape of an egg consisting of two separable halves which fit snugly together at the edges. The figurine has humanoid features of a man. It does not have movable parts or detachable clothing and it maintains its position unsupported. The figurine represents a wizard from a comic-book series and forms a part of a collection together with the other characters from the series.	9503 00 95	Classification is determined by General Rules 1, 2(a), 5(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9503 00 and 9503 00 95. Classification under CN code 9503 00 21 as dolls is excluded, as the product is not a doll. A doll is a model of a human male or female character, typically of a baby, a little girl or boy or a fashion model. Small rigid figurines that can maintain their position unsupported are not perceived as dolls. Classification under CN code 9503 00 49 as toys representing animals or non-human creatures, other than stuffed, is also excluded, as the objective characteristics of the character represented by the figurine are those of a man; it has no animal or non-human features. It is a humanoid figurine representing a comic book character (see also the CN Explanatory Notes to CN codes 9503 00 81 to 9503 00 99). The figurine is therefore to be classified under CN code 9503 00 95 as other toys of plastics.

COMMISSION IMPLEMENTING REGULATION (EU) No 712/2013**of 24 July 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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, 24 July 2013.

*For the Commission,
On behalf of the President,*

*Jerzy PLEWA
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	TR	124,7
	ZZ	124,7
0709 93 10	TR	128,9
	ZZ	128,9
0805 50 10	AR	86,2
	CL	73,3
	TR	70,0
	UY	72,5
	ZA	95,2
	ZZ	79,4
0806 10 10	CL	51,4
	EG	185,0
	TR	169,6
	ZZ	135,3
0808 10 80	AR	177,7
	BR	112,3
	CL	125,7
	CN	79,0
	NZ	134,1
	US	165,6
	ZA	131,6
	ZZ	132,3
0808 30 90	AR	97,6
	CL	151,4
	CN	77,3
	NZ	162,9
	TR	246,0
	ZA	102,1
	ZZ	139,6
0809 10 00	TR	193,0
	ZZ	193,0
0809 29 00	TR	320,9
	ZZ	320,9
0809 30	TR	171,7
	ZZ	171,7
0809 40 05	BA	69,9
	TR	118,8
	XS	74,4
	ZZ	87,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

NOTICE TO READERS

Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union*

In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

Where it is not possible to publish the electronic edition of the Official Journal due to unforeseen and exceptional circumstances, the printed edition shall be authentic and shall have legal effect in accordance with the terms and conditions set out in Article 3 of Regulation (EU) No 216/2013.

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