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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1207**of 27 August 2018****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 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (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 which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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, 27 August 2018.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An article made of hot rolled non-alloy steel with a coating made of nickel silver alloy. It is presented in the shape of a round cap (diameter 2,7 cm) with slightly lowered centre, turned down into a hole, with small air gaps inside the turned down part. The cap is connected to a hollow threaded shank (diameter 0,5 cm). The total length of the article is 2,5 cm. The article is designed to be used as a tuning element in a specific bandpass filter (the bandpass filter is used in cellular network base stations to transmit signals of certain frequencies) filtering out the upper and lower frequencies, by screwing it into the bandpass filter chassis. It is an essential part in the process of tuning. In the tuning process the round cap acts as a resonator. In case of any damage to the surface of this round cap there will be a distortion of the radio frequency waves. See image (*).	8517 70 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(b) to Section XVI and by the wording of CN codes 8517 and 8517 70 00. As the function of the article is not to assemble or fasten goods it cannot be classified as a screw or as a bolt. Consequently, it cannot be considered a part of general use as referred to in Note 2 to Section XV. Therefore, classification under heading 7318 is excluded. The article is a part of cellular network base stations within the meaning of Note 2(b) to Section XVI as it is essential for their operation, due to the article's specific design and dimensions, and cannot be used for other purposes (see case C-152/10 Unomedical ECLI:EU:C:2011:402, paragraph 29). Consequently, the article is to be classified under CN code 8517 70 00 as a part of an apparatus for the transmission or reception of voice, images or other data in a wireless network.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2018/1208
of 27 August 2018
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 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

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Article 1

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Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

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*.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 27 August 2018.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
A sensor based electrical analogue apparatus (so-called 'oxygen analyser') measuring approximately 240 × 220 × 200 mm and weighing approximately 4,3 kg. The apparatus uses coulometric technology in order to detect and measure trace oxygen and paramagnetic technology in order to accurately measure the percentage of oxygen in pure gas streams and multi-gas backgrounds. It includes an LCD monitor to display the results of the measurement. It also includes an audio and visual alarm and analogue and digital outputs and two-way serial communication. The apparatus is used in industrial gas process and quality control.	9027 10 10	Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9027, 9027 10 and 9027 10 10. The apparatus has characteristics and functions of an apparatus for physical or chemical analysis (gas or smoke analysis apparatus) of heading 9027. See also the Harmonized System Explanatory Notes (HSEN) to heading 9027, first paragraph, point (8), which covers electrical gas or smoke analysis apparatus for determining and measuring the content of gases, used to analyse combustible or burnt gases in coke ovens, gas producers, blast furnaces, etc. Classification under heading 9026 as instruments or apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases is excluded as instruments and apparatus for physical or chemical analysis are more specifically covered by heading 9027 (see also the HSEN to heading 9026, first paragraph, exclusion (d)). The apparatus is a composite product within the meaning of GIR 3(b) and it is to be classified according to the component that gives the product its essential character. Detecting and measuring the oxygen within a gas is considered to be the function that gives the essential character to the apparatus. The apparatus is therefore to be classified under CN code 9027 10 10, as electronic gas or smoke analysis apparatus.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1209
of 27 August 2018
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 Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

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⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

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Done at Brussels, 27 August 2018.

*For the Commission,
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Stephen QUEST
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ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Footwear (so-called 'dancing shoe') covering the foot but not the calf, open at the vamp. The footwear is made of one piece of textile material sewn together at the sole and the heel counter and has a textile lining. The sole has two leather pieces sewn on, one at the ball of the foot and the other at the heel part. The front textile part of the sole is ruffled to create the round shape for the toes. The textile part of the sole between the two leather pieces is ruffled and elasticated by means of an elastic band sewn on the inside of the footwear. It serves to tighten the sole from toes to heel when dancing. The footwear has two pieces of cellular foam covered with textile material sewn on the inside above the leather pieces, which are slightly larger than the leather, yet smaller than the sole making contact with the ground when the footwear is in use. The opening of the footwear can be tightened by an elastic string. Two elastic bands are fixed in the quarter area in order to secure the footwear to the foot. When the footwear is in use (worn while standing on the ground) the part of the footwear that does not cover the sides and top of the foot and that makes contact with the ground consists of approximately 33 % leather and approximately 67 % textile materials. See images (*).	6405 20 99	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 4 to Chapter 64 and by the wording of CN codes 6405, 6405 20 and 6405 20 99. The article is not excluded from Chapter 64 by virtue of Note 1 (b) to Chapter 64 because the article has parts of the outer sole sewn on. Moreover, the ruffled front part creates a round shaped relatively hard sole for the toes. As the material of the upper also forms part of the sole, in order to identify the demarcation between the upper and the sole, the sole is considered to be the portion of the footwear that does not cover the sides and the top of the foot (see also the identification of the upper in the Harmonised System Explanatory Notes (HSEN) to Chapter 64, General, (D)). The constituent material of the outer sole is the textile material, because it has the greatest surface area in contact with the ground when the shoe is in use (worn while standing on the ground) within the meaning of Note 4 to Chapter 64 (see also the HSEN to Chapter 64, General, (C)). The article is therefore to be classified under CN code 6405 20 99 as other footwear with uppers and outer soles of textile materials.

(*) The images are purely for information.



