

COMMISSION REGULATION (EEC) No 717/85

of 19 March 1985

on the classification of goods falling within subheading 17.04 D I of the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 97/69 of 16 January 1969 on measures to be taken for uniform application of the nomenclature of the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EEC) No 2055/84⁽²⁾, and in particular Article 3 thereof,

Whereas, in order to ensure uniform application of the Common Customs Tariff Nomenclature, measures must be taken concerning the classification of cough and throat-irritation pastilles having the following composition (percentage by weight):

— sucrose, glucose and caramel :	99,5,
— camphor :	0,007,
— menthol :	0,207,
— eucalyptol :	0,069,
— Balsam Tolu :	0,003,
— thymol :	0,069,
— benzyl alcohol :	0,138 ;

Whereas heading No 17.04 of the Common Customs Tariff annexed to Council Regulation (EEC) No 950/68⁽³⁾, as last amended by Regulation (EEC) No 483/85⁽⁴⁾, refers to sugar confectionery, not containing cocoa ; whereas heading No 30.03 refers to medicaments (including veterinary medicaments) ;

Whereas the product in question contained flavouring agents which may also have medicinal properties but owing to the low proportions in which these agents are present the provisions of Note 1 to Chapter 30 are

not complied with ; whereas heading No 30.03 therefore is not applicable ;

Whereas this product has the characteristics of sugar confectionery, not containing cocoa and must therefore be classified in this heading, whereas, within this subheading 17.04 D I should be chosen ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Common Customs Tariff Nomenclature,

HAS ADOPTED THIS REGULATION :

Article 1

Cough and throat-irritation pastilles having the following composition (percentage by weight):

— sucrose, glucose and caramel :	99,5,
— camphor :	0,007,
— menthol :	0,207,
— eucalyptol :	0,069,
— Balsam Tolu :	0,003,
— thymol :	0,069,
— benzyl alcohol :	0,138,

shall be classified in the Common Customs Tariff under subheading :

17.04 Sugar confectionery, not containing cocoa :

D. Other :

I. Containing no milkfats or containing less than 1,5 % by weight of such fats.

Article 2

This Regulation shall enter into force on the third 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, 19 March 1985.

For the Commission

COCKFIELD

Vice-President

⁽¹⁾ OJ No L 14, 21. 1. 1969, p. 1.

⁽²⁾ OJ No L 191, 19. 7. 1984, p. 1.

⁽³⁾ OJ No L 172, 22. 7. 1968, p. 1.

⁽⁴⁾ OJ No L 59, 27. 2. 1985, p. 14.