

## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2017/1925

of 12 October 2017

**amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

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<sup>(1)</sup>, and in particular Article 9(1) and Article 12 thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a goods nomenclature (hereinafter referred to as the 'Combined Nomenclature' or the 'CN') to meet, at one and the same time, the requirements of the Common Customs Tariff, the external trade statistics of the Union, and other Union policies concerning the importation or exportation of goods.
- (2) In the interests of legislative simplification, it is appropriate to modernise the CN and to adapt its structure.
- (3) It is necessary to amend the CN in order to introduce the gradual reduction of duty rates for fresh bananas, as required by Council Decision 2011/194/EU<sup>(2)</sup>, and the gradual reduction of duty rates for products covered by the Agreement in the form of the Declaration on the Expansion of Trade in Information Technology Products (ITA2), as required by Council Decision (EU) 2016/971<sup>(3)</sup>.
- (4) It is also necessary to amend the CN in order to take account of changes in requirements relating to statistics and to commercial policy and technological and commercial developments, by deleting obsolete scientific names and codes, by introducing new subheadings to facilitate monitoring of specific goods required for the production and use of improvised explosive devices, and by adapting the INN list and the list of pharmaceutical intermediates.
- (5) In order to reduce administrative burden, it is appropriate, in cases where a civil aircraft has been registered as such and declared for free circulation, to abolish the requirement of the end-use procedure. The aircraft's registration certificate is considered sufficient proof of the aircraft's civil character. The presence of that certificate on board of each aircraft is mandatory in accordance with the Convention on international civil aviation signed at Chicago on 7 December 1944. The preliminary provisions of the CN should therefore be amended.
- (6) In the interest of clarity, it is also appropriate to make certain minor changes in order to align the different language versions of the text.
- (7) With effect from 1 January 2018, Annex I to Regulation (EEC) No 2658/87 should be replaced by a complete and up-to-date version of the CN, together with the autonomous and conventional rates of duty resulting from measures adopted by the Council or by the Commission.

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> Council Decision 2011/194/EU of 7 March 2011 on the conclusion of a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America (OJ L 88, 4.4.2011, p. 66).

<sup>(3)</sup> Council Decision (EU) 2016/971 of 17 June 2016 on the conclusion, on behalf of the European Union, of an agreement in the form of the Declaration on the Expansion of Trade in Information Technology Products (ITA) (OJ L 161, 18.6.2016, p. 2).

(8) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EEC) No 2658/87 is replaced by the text set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2018.

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

Done at Brussels, 12 October 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

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## SECTION IV

**PREPARED FOODSTUFFS; BEVERAGES, SPIRITS AND VINEGAR; TOBACCO AND MANUFACTURED TOBACCO SUBSTITUTES****Note**

1. In this section, the term 'pellets' means products which have been agglomerated either directly by compression or by the addition of a binder in a proportion not exceeding 3 % by weight.

**CHAPTER 16****PREPARATIONS OF MEAT, OF FISH OR OF CRUSTACEANS, MOLLUSCS OR OTHER AQUATIC INVERTEBRATES****Notes**

1. This chapter does not cover meat, meat offal, fish, crustaceans, molluscs or other aquatic invertebrates, prepared or preserved by the processes specified in Chapter 2 or 3 or heading 0504.
2. Food preparations fall in this chapter provided that they contain more than 20 % by weight of sausage, meat, meat offal, blood, fish or crustaceans, molluscs or other aquatic invertebrates, or any combination thereof. In cases where the preparation contains two or more of the products mentioned above, it is classified in the heading of Chapter 16 corresponding to the component or components which predominate by weight. These provisions do not apply to the stuffed products of heading 1902 or to the preparations of heading 2103 or 2104.

*For preparations containing liver, the provisions of the second sentence shall not apply in determining the subheadings within heading 1601 or 1602.*

**Subheading notes**

1. For the purposes of subheading 1602 10, the expression 'homogenised preparations' means preparations of meat, meat offal or blood, finely homogenised, put up for retail sale as food suitable for infants or young children or for dietetic purposes, in containers of a net weight content not exceeding 250 g. For the application of this definition, no account is to be taken of small quantities of any ingredients which may have been added to the preparation for seasoning, preservation or other purposes. These preparations may contain a small quantity of visible pieces of meat or meat offal. This subheading takes precedence over all other subheadings of heading 1602.
2. The fish, crustaceans, molluscs and other aquatic invertebrates specified in the subheadings of heading 1604 or 1605 under their common names only, are of the same species as those mentioned in Chapter 3 under the same name.

**Additional notes**

1. *For the purposes of subheadings 1602 31 11, 1602 32 11, 1602 39 21, 1602 50 10 and 1602 90 61, the term 'uncooked' is to apply to products which have not been subjected to any heat treatment or which have been subjected to a heat treatment insufficient to ensure the coagulation of meat proteins in the whole of the product and which, therefore, in the case of subheadings 1602 50 10 and 1602 90 61, show traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.*
2. *For the purposes of subheadings 1602 41 10, 1602 42 10 and 1602 49 11 to 1602 49 15, the expression 'cuts thereof' applies only to prepared or preserved meat which, due to the size and the characteristics of the coherent muscle tissue, is identifiable as having been obtained from hams, shoulders, loins, or collars of domestic swine, as the case may be.*



CN code	Description	Conventional rate of duty (%)	Supplementary unit
1	2	3	4
1602 90 99	----- Other .....	16,6	—
1603 00	<b>Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates:</b>		
1603 00 10	- In immediate packings of a net content of 1 kg or less .....	12,8	—
1603 00 80	- Other .....	Free	—
1604	<b>Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:</b>		
	- <b>Fish, whole or in pieces, but not minced:</b>		
1604 11 00	-- Salmon .....	5,5	—
1604 12	-- <b>Herring:</b>		
1604 12 10	--- Fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, frozen .....	15	—
	--- Other:		
1604 12 91	---- In airtight containers .....	20	—
1604 12 99	---- Other .....	20	—
1604 13	-- <b>Sardines, sardinella and brisling or sprats:</b>		
	--- Sardines:		
1604 13 11	---- In olive oil .....	12,5	—
1604 13 19	---- Other .....	12,5	—
1604 13 90	---- Other .....	12,5	—
1604 14	-- <b>Tuna, skipjack and bonito (<i>Sarda</i> spp.):</b>		
	--- Tuna and skipjack:		
	---- Skipjack:		
1604 14 21	----- In vegetable oil .....	24	—
	----- Other:		
1604 14 26	----- Fillets known as 'loins' .....	24	—
1604 14 28	----- Other .....	24	—
	---- Yellowfin tuna ( <i>Thunnus albacares</i> ):		
1604 14 31	----- In vegetable oil .....	24	—
	----- Other:		
1604 14 36	----- Fillets known as 'loins' .....	24	—
1604 14 38	----- Other .....	24	—
	----- Other:		
1604 14 41	----- In vegetable oil .....	24	—
	----- Other:		
1604 14 46	----- Fillets known as 'loins' .....	24	—
1604 14 48	----- Other .....	24	—
1604 14 90	--- Bonito ( <i>Sarda</i> spp.) .....	25	—