

## COMMISSION REGULATION (EC) No 288/97

of 17 February 1997

## amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and repealing a number of regulations on classification

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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>, as last amended by Commission Regulation (EC) No 2493/96<sup>(2)</sup>, and in particular Article 9 thereof,

Whereas it can be difficult to distinguish between some vegetable-based sauces falling within heading 2103 and prepared or preserved vegetables falling within Chapter 20; whereas, to ensure the uniform application of the combined nomenclature, provision should be made to distinguish between the two groups of products; whereas the said sauces usually take the form of liquids, emulsions or suspensions containing very little visible solid matter; whereas a suitable distinguishing criterion would be to pass them through a sieve of a given aperture;

Whereas an additional note should be inserted in Chapter 21 of the combined nomenclature and the corresponding amendments made to Annex I to Regulation (EEC) No 2658/87;

Whereas the regulations or parts of regulations that previously served to classify such products on the basis of criteria other than passage through a metal wire sieve, namely Commission Regulations (EEC) No 314/90<sup>(3)</sup>, (EEC) No 3044/90<sup>(4)</sup> and (EC) No 3055/94<sup>(5)</sup>, should be repealed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statis-

tical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Chapter 21 of the combined nomenclature annexed to Regulation (EEC) No 2658/87 is hereby amended as follows:

1. the following additional note shall be inserted:

'1. For the purposes of subheadings 2103 20 00 and 2103 90 90, the expression "sauces" does not cover a preparation of vegetables, fruit or other edible parts of plants if the percentage of these ingredients passing through a metal wire sieve, with an aperture of 5 mm, is, after rinsing with water of a temperature of 20 °C, less than 80 % by weight, calculated on the original preparation.'

2. Additional notes 1 to 4 shall be renumbered 2 to 5.

*Article 2*

Point 2 of the Annex to Regulation (EEC) No 314/90, point 1 of the Annex to Regulation (EEC) No 3044/90 and Regulation (EC) No 3055/94 are hereby repealed.

*Article 3*

This Regulation shall enter into force on the 21st 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, 17 February 1997.

*For the Commission*

Mario MONTI

*Member of the Commission*

<sup>(1)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(2)</sup> OJ No L 338, 28. 12. 1996, p. 27.

<sup>(3)</sup> OJ No L 35, 7. 2. 1990, p. 9.

<sup>(4)</sup> OJ No L 292, 24. 10. 1990, p. 5.

<sup>(5)</sup> OJ No L 323, 16. 12. 1994, p. 8.