



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
TAXATION AND CUSTOMS UNION
International Affairs and Tariff matters

Convention of SH, combined nomenclature, tariff classification

Bruxelles, 10.12.2008

Document de travail

Diffusion restreinte

**COMITE
DU CODE DES DOUANES**

**Section de la nomenclature
tarifaire et statistique**

(Mécanique)

Objet :

**Les délégations trouveront ci-
joint:**

- Un projet d'amendement des notes explicatives de la nomenclature combinée, soumis par les Services de la DG TAXUD à la section nomenclature tarifaire et statistique du comité du code des douanes en vertu de l'article 10 du règlement (CEE) n° 2658/87, tel que modifié par l'article 252 du règlement (CEE) n° 2913/92.

Ce document sera discuté lors d'une prochaine réunion du Comité du code des douanes, Section de la nomenclature tarifaire et statistique.

Brussels, 10.12.2008

Working Document

Restricted distribution

**CUSTOMS CODE
COMMITTEE**

**Tariff and Statistical
Nomenclature Section**

(Mechanical)

Subject :

**Multifunctional apparatus
with mobile telephony
function**

Delegations will find enclosed:

- A draft amendment to the Explanatory Notes to the Combined Nomenclature, submitted by DG TAXUD to the Tariff and Statistical Nomenclature Section of the Customs Code Committee under Article 10 of Regulation No 2658/87, as amended by Article 252 of Regulation (EEC) No 2913/92.

This document will be discussed at a forthcoming meeting of the Customs Code Committee, Tariff and Statistical Nomenclature Section.

Brüssel, 10.12.2008

Arbeitsdokument

Eingeschränkte Verteilung

**AUSSCHUSS
FÜR DEN ZOLLKODEX**

**Fachbereich
Zolltarifliche und Statistische
Nomenklatur
(Mechanik)**

Betreff :

Die Delegationen finden anbei:

- Entwurf einer Änderung der KN-Erläuterungen, die dem Fachbereich Zolltarifliche und Statistische Nomenklatur des Ausschusses für den Zollkodex von den Dienststellen der DG TAXUD nach Artikel 10 der Verordnung (EWG) Nr. 2658/87, geändert durch Artikel 252 der Verordnung (EWG) Nr. 2913/92, vorgelegt wird.

Der Ausschuss für den Zollkodex, Fachbereich Zolltarifliche und Statistische Nomenklatur wird das Dokument auf einer der nächsten Sitzungen besprechen.

Draft explanatory note to the Combined Nomenclature of the European Communities

(2008/C/..)

Pursuant to Article 9(1)(a), second indent, of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff¹, the Explanatory Notes to the Combined Nomenclature of the European Communities² are amended as follows:

On page xxx, the following text is inserted:

8517 12 00 Telephones for cellular networks or other wireless networks

This subheading includes telephones for cellular networks, so called "mobile phones".

"Mobile phones" have the following characteristics:

- They are "pocket-sized" i.e. have dimensions which do not exceed 170 mm x 100 mm x 45 mm;
- They have a dialling sector of the push-button or touch screen type;
- They are capable of operating without an external source of electric power;
- They have both a microphone and an earphone, either in the same unit or in the form of a detachable headset presented together with the "mobile phone", for the transmission and reception of voice enabling voice communication when the apparatus is held to the ear;
- They incorporate other components such as an amplifier and an antenna for telephony, which provide for dual-way short-range transmission of voice within a network consisting of base stations of subheading 8517 61 and using mobile telephony frequency bands;
- They can only be used as a telephony communication device when equipped with a SIM (Subscriber Identity Module) card that has been activated.

"Mobile phones" may also have other features such as sending and receiving SMS (Short Message Service) and MMS (Multimedia Messaging Service) messages, emails; packet

¹ OJ L 256, 7.9.1987.

² OJ C 50, 28.2.2006, p. 1.

switching for access to the Internet; sending and receiving positioning signals; gaming; receiving radio or television signals; capturing, recording and reproducing sound and images.

This subheading excludes apparatus with a wireless telephony function incorporating:

- a personal digital assistant incorporating an alphanumerical keypad, a display with a diagonal measurement between [7,6 cm] [3 inches] and [8,9 cm] [3.5 inches] and an in-built memory exceeding [16] Gigabytes (heading 8471); or
- a sound recording and reproducing apparatus or a video recording and reproducing apparatus with an in-built memory exceeding [16] Gigabytes (heading 8519 or 8521); or
- a camera with an optical zoom or an optical lens diameter of more than [10] mm (heading 8525); or
- apparatus specifically designed for radio navigational aid (heading 8526) or for reception of television (heading 8528) via carrier radiofrequencies other than the cellular network when the display has a diagonal measurement exceeding [8,9 cm] [3.5 inches] and when the apparatus incorporates specific components (for example antennas) for that function.