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(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS AND BODIES

COMMISSION

Explanatory Notes to the Combined Nomenclature of the European Communities

(2009/C 272/02)

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 Tariff⁽¹⁾, the Explanatory Notes to the Combined Nomenclature of the European Communities⁽²⁾ are amended as follows:

On page 402:

9705 00 00 Collections and collectors' pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic or numismatic interest

The existing text is replaced by the following:

1. This heading includes motor vehicles which are:

- in their original state, without substantial changes to the chassis, steering or braking system, engine, etc.,
- at least 30 years old, and
- of a model or type which is no longer in production.

However, motor vehicles are deemed not to be of historical or ethnographical interest and are excluded from this heading when the competent authorities establish that the motor vehicles are not liable to evidence a significant step in the evolution of human achievements or illustrate a period of that evolution.

Such vehicles must also possess the requisite characteristics for inclusion in a collection by:

- being relatively rare,
- not being normally used for their original purpose,
- being the subject of special transactions outside the normal trade in similar utility articles, and
- being of greater value.

2. It also includes as collectors' pieces of historical interest:

- (a) motor vehicles, irrespective of their date of manufacture, which can be proved to have been used in the course of an historic event;

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ C 133, 30.5.2008, p. 1.

- (b) motor racing vehicles, which can be proved to be designed, built and used solely for competition and have achieved significant sporting success at prestigious national or international events.
3. Articles of a kind used as parts and accessories for the above-mentioned vehicles are classified in this heading if they are collectors' pieces themselves, whether or not they are intended to be fitted into those vehicles.

Proof can be supplied by appropriate documentation, for example, reference books or specialised literature, or by opinions from recognised experts.

The above Explanatory Notes apply, *mutatis mutandis*, to motorcycles.

Replicas are always excluded (generally Chapter 87):
