COMMISSION DECISION

of 4 August 1977

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'MTS bi-axial seismic test equipment with electro-hydraulic servo mechanism'

(77/554/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 1798/75 of 10 July 1975 on the importation free of Common Customs Tariff duties of educational, scientific and cultural materials [1],

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75 [2], and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 10 February 1977, the French Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether the apparatus described as 'MTS bi-axial seismic test equipment with electro-hydraulic servo mechanism' must be considered to be a scientific apparatus and if so whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 18 July 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination has revealed that the apparatus in question is seismic simulation equipment with bi-directional tables for earthquake resistance testing of simultaneous horizontal and vertical movements on the component parts of nuclear reactors; whereas the special characteristics of this apparatus and the use for which it is intended render it material specially suited to research in nuclear physics; whereas therefore it must be considered to be a scientific apparatus;

Whereas, on the basis of information obtained from the Member States, apparatus of equivalent scientific value capable of use for the same purpose are currently manufactured in the Community,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'MTS bi-axial seismic test equipment with electro-hydraulic servo mechanism' must be considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Council Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the apparatus mentioned in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 August 1977.

For the Commission

Christopher TUGENDHAT

Member of the Commission

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[1] OJ No L 184, 15. 7. 1975, p. 1.
[2] OJ No L 316, 6. 12. 1975, p. 17.