COMMISSION DECISION

of 13 April 1978

on the refusal to accept the scientific character of an apparatus described as 'Tektronix logic analyzer, type 7 DO1'

(78/411/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 27 October 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 or not the apparatus described as 'Tektronix logic analyzer, type 7 DO1' should be considered as scientific apparatus and, if the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being 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 29 March 1978 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination shows that the apparatus in question is a logical word analyzer with word formation capability, used mainly for the maintenance, repair and for fault detection in logical systems ;

Whereas it is a multi-purpose device in current use ; whereas it is not an accessory required for the operation of the scientific instruments and apparatus for which it is intended, within the meaning of Article 3 (2) of Regulation (EEC) No 1798/75 ; whereas the fact of being used solely in the field of scientific research does not in itself give it the character of a device specially suited to pure scientific research ; whereas it cannot, therefore, be regarded as scientific apparatus,

HAS ADOPTED THIS DECISION :

Article 1

The apparatus described as 'Tektronix logic analyzer, type 7 DO1' is not considered to be a scientific apparatus.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 April 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission

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