COMMISSION DECISION

of 12 July 1978

on the refusal to accept the scientific character of an apparatus described as 'Beckman Dynograph Recorders, type R-511 A', equipped with 9872 couplers, Statham UC3 transducers and UL5 accessories

(78/657/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 14 March 1978, 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 'Beckman Dynograph Recorders, type R-511 A', equipped with 9872 couplers, Statham UC3 transducers and UL5 accessories, should be considered as a 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 23 June 1978 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is a multi-purpose physiological recorder which allows recording of, in particular, different physiological parameters as well as electro-physiological phenomena;

Whereas it is an apparatus in current use in clinical medicine; whereas its use for recording the contractions of smooth muscles in the bio-assaying of biologically active substances could not alone give it the character of a device specially suited to pure scientific research; whereas it cannot, therefore, be regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Beckman Dynograph Recorders type R-511 A', equipped with 9872 couplers, Statham UC3 transducers and UL5 accessories, is not considered to be a scientific apparatus.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 July 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.