COMMISSION DECISION

of 2 February 1979

denying the appellation of 'scientific character' to an apparatus described as 'Revco freezer, type ULT 1785' including a thermometer, a liquid nitrogen expansion valve and various attachments

(79/210/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 19 August 1978, the Belgian 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 'Revco freezer, type ULT 1785' including a thermometer, a liquid nitrogen expansion valve and various attachments 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 13 December 1978 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination shows that the apparatus in question is a freezer capable of obtaining ultra low temperatures and used more especially to store mutant strains of yeast ;

Whereas it is an apparatus which as well as being used for research purposes may also be used to freeze and store the most varied types of product ; whereas it is therefore a multi-purpose apparatus which in itself does not possess particular features that make it specially suitable for pure scientific research ; whereas it cannot therefore be regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION :

Article 1

The apparatus described as 'Revco freezer, type ULT 1785' is not considered to be a scientific apparatus.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 February 1979.

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.