COMMISSION DECISION

of 13 July 1979

refusing to accept the scientific character of the apparatus described as 'Canberra-Scorpio 2000 MCA System'

(79/675/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 January 1979, the Belgian Government requested the Commission to initiate 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 'Canberra-Scorpio 2000 MCA System', intended for use in nuclear research and, in particular, for the acquisition, display and analyses of multichannel data, should be considered as a scientific apparatus and, where 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 18 June 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question consists of a console and import data processing unit and a graphic unit ; whereas it does not possess the requisite objective characteristics which make it specially suited to scientific research ; whereas, moreover, it is an apparatus which is currently in use in the commercial sector ; whereas its use in the case in question could not alone confer upon it the character of a scientific apparatus ; whereas it therefore cannot be regarded as a scientific apparatus ;

Whereas Commission Decision 78/294/EEC excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Scorpio System 3000 multi-unibus disk-based multichannel analyzing computer system' (3) lays down in Article 1 that the apparatus must be considered to be a scientific apparatus ; whereas, taking into account the technical developments for this category of apparatus, the apparatus in question can no longer be regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION :

Article 1

The apparatus described as 'Canberra-Scorpio 2000 MCA System' is not considered to be a scientific apparatus.

Article 2

Commission Decision 78/294/EEC excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Scorpio System 3000 multi-unibus disk-based multichannel analyzing computer system' is hereby abolished.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 July 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.
(3) OJ No L 74, 16. 3. 1978, p. 39.