COMMISSION DECISION

of 2 August 1979

refusing to accept the scientific character of the apparatus described as 'Coherent-CO_2 Surgical Laser System 400'

(79/742/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 31 January 1979, the United Kingdom 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 'Coherent-CO_2 Surgical Laser System 400', intended for use in clinical research and, in particular, with a view to establishing a comparison between treatment with laser radiation and conventional radiotherapy and surgery, and with a view to instruction of surgeons on the use of laser irradiation of tumors, 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 is a CO_2 chirgical laser system which does not possess the requisite characteristics making it specially suited to scientific research ; whereas moreover it is an apparatus in current use in the field of gynaecology, urology, dermatology and in operations on eyes, throat and nose ;

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,

HAS ADOPTED THIS DECISION :

Article 1

The apparatus described as 'Coherent-CO_2 Surgical Laser System 400' is not considered to be a scientific apparatus.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 2 August 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.