II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 April 1980

finding that the apparatus described as 'Ampex-multiband instrumentation recorder, model FR-3020', is not a scientific apparatus and that Decisions 76/544/EEC and 76/812/EEC are hereby repealed

(80/477/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), as amended by Regulation (EEC) No 1027/79 (2),

Having regard to Commission Regulation (EEC) No 2784/79 of 12 December 1979 laying down provisions for the implementation of Regulation (EEC) No 1798/75 (3), and in particular Article 7 thereof,

Whereas, by letter dated 9 October 1979, the Government of Italy has requested the Commission to invoke the procedure now provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Ampex-multiband instrumentation recorder, model FR-3020', intended for use in connection with stratospheric experiments in telemetry stations, 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 7 (5) of Regulation (EEC) No 2784/79, a group of experts composed of representatives of all the Member States met on 27 March 1980 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is a magnetic recorder;

Whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; 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 the technical evolution of this kind of apparatus leads to the conclusion that this is applicable for all magnetic recorders; whereas, moreover, these recorders are principally used for non-scientific activities; whereas, therefore, the contrary Decisions which were adopted in the past by the Commission for this type of apparatus need to be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Ampex-multiband instrumentation recorder, model FR-3020', is not considered to be a scientific apparatus.

(1) OJ No L 184, 15. 7. 1975, p. 1.
(2) OJ No L 134, 31. 5. 1979, p. 1.
(3) OJ No L 318, 13. 12. 1979, p. 32.

Article 2

Commission Decision 76/544/EEC recognizing the scientific character of an apparatus described as 'Ampex recording apparatus PR 2200' [1] and Commission Decision 76/812/EEC excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Ampex recording apparatus PR 2200' [2] are hereby repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 April 1980.

For the Commission

Étienne DAVIGNON

Member of the Commission

(1) OJ No L 160, 22. 6. 1976, p. 9.
(2) OJ No L 285, 16. 10. 1976, p. 41.