COMMISSION

COMMISSION DECISION

of 10 August 1981

establishing that the apparatus described as 'Control Data—Cyber 170-720 ; Cyber 170-750' may not be imported free of Common Customs Tariff duties

(81/692/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 11 March 1981, Belgium has requested the Commission to invoke the procedure provided for in Article 7 of Regulation (EEC) No 2784/79 in order to determine whether or not the apparatus described as 'Control Data—Cyber 170-720 ; Cyber 170-750', to be used for research, education and internal administration and in particular in the fields of high-energy physics, plasma physics, thermodynamics, pure mathematics, civil engineering, electrical engineering and nuclear engineering, should be considered as scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value are 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 23 June 1981 within the framework of the Committee on Duty-Free Arrangements to examine the matter ;

Whereas this examination showed that the apparatus in question are computers ;

Whereas they do not have the requisite objective characteristics making them specifically suited to scientific research ; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities ; whereas their use in the case in question could not alone confer upon them the character of scientific apparatus ; whereas they therefore cannot be regarded as scientific apparatus ; whereas the duty-free admission of the apparatus in question is therefore not justified,

HAS ADOPTED THIS DECISION :

Article 1

The apparatus described as 'Control Data—Cyber 170-720 ; Cyber 170-750', which are the subject of an application by Belgium of 11 March 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 August 1981.

For the Commission

Edgard PISANI

Member of the Commission

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[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.