COMMISSION DECISION

of 17 March 1982

establishing that the apparatus described as 'Varian—linear accelerator, model Clinac 20' may not be imported free of Common Customs Tariff duties

(82/197/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 7 September 1981, the Federal Republic of Germany 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 'Varian—linear accelerator, model Clinac 20', to be used for the study of the possibilities of cancer therapy by means of high-energy electron beams and gamma radiation at high dosage rates and in particular for the radiotherapy for cancer patients, should be considered to be 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 4 February 1982 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the apparatus in question is an accelerator; whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities; 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 duty-free admission of the apparatus in question is therefore not justified,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Varian—linear accelerator, model Clinac 20', which is the subject of an application by the Federal Republic of Germany of 7 September 1981, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 March 1982.

For the Commission

Karl-Heinz NARJES

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.