COMMISSION DECISION

of 17 March 1982

establishing that the 'Jodon EA — immersion type X-Y micropositionable photographic plate holder, model MPH-45W, with beam splitter attenuator, model UBA-200 and parabolic mirrors' may not be imported free of Common Customs Tariff duties

(82/211/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 10 September 1981, the United Kingdom 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 'Jodon EA — immersion type X-Y micropositionable photographic plate holder, model MPH-45W, with beam splitter attenuator, model UBA-200 and parabolic mirrors', intended for use in teaching experimental techiques of holography and related laser-based methods as well as for general research in the same fields, 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 5 February 1982 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the 'Jodon EA — immersion type X-Y micropositionable photographic plate holder, model MPH-45W, with beam splitter attenuator, model UBA-200 and parabolic mirrors', may not be regarded as an instrument or apparatus within the meaning of Article 3 (1) of the aforementioned Regulation (EEC) No 1798/75, but consists in fact of three accessories of a holographic system; whereas the latter must therefore be regarded as 'accessories' within the meaning of Article 3 (2) (a) of the said Regulation; whereas the possibility of granting importation free of duties must therefore be assessed in the light of the provisions of the said Article 3 (2) (a);

Whereas the accessories in question are not suitable for use with an instrument or apparatus imported free of duties or capable of being so imported; whereas, therefore, the conditions for import free of duties are not fulfilled,

HAS ADOPTED THIS DECISION:

Article 1

The 'Jodon EA — immersion type X-Y micropositionable photographic plate holder, model MPH-45W, with beam splitter attenuator, model UBA-200 and parabolic mirrors', which is the subject of an application by the United Kingdom of 10 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

---

[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.