COMMISSION DECISION

of 6 August 1982

establishing that the 'RCA — Quantacon Photomultiplier, model 8854' may not be imported free of Common Customs Tariff duties

(82/578/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 last amended by Regulation (EEC) No 608/82 [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 4 February 1982, the Federal Republic of Germany 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 'RCA — Quantacon Photomultiplier, model 8854', ordered on 24 May 1978 and to be used for research in the field of high-energy physics and in particular of the double storage rings and the positron-electron tandem cyclotron unit, 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 8 June 1982 within the framework of the Committee on Duty-Free Arrangements to examine the matter;

Whereas this examination showed that the 'RCA — Quantacon Photomultiplier, model 8854', 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 an accessory of a detector; whereas the latter must therefore be regarded as 'accessory' 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 accessory in question is 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 'RCA — Quantacon Photomultiplier, model 8854', which is the subject of an application by the Federal Republic of Germany of 4 February 1982, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 August 1982.

For the Commission
Étienne DAVIGNON
Vice-President

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[1] OJ No L 184, 15. 7. 1975, p. 1.
[2] OJ No L 74, 18. 3. 1982, p. 4.
[3] OJ No L 318, 13. 12. 1979, p. 32.