COMMISSION DECISION

of 20 December 1982

establishing that the apparatus described as 'PMS — Forward Scattering Spectrometer Probe, model FSSP-100 with Optical Array Cloud Droplet Spectrometer Probe, model OAP-230X and Data Acquisition System, model DAS-64' may not be imported free of Common Customs Tariff duties

(82/934/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 18 June 1982, 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 'PMS — Forward Scattering Spectrometer Probe, model FSSP-100 with Optical Array Cloud Droplet Spectrometer Probe, model OAP-230X and Data Acquisition System, model DAS-64', ordered on 8 October 1980 and to be used for the measurement of cloud droplets with diameters ranging from 2 to 600 μm, on which to base a simulation of the physical processes occuring in clouds with computer models, 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 22 October 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 a spectrometer; 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 'PMS — Forward Scattering Spectrometer Probe, model FSSP-100 with Optical Array Cloud Droplet Spectrometer Probe, model OAP-230X and Data Acquisition System, model DAS-64', which is the subject of an application by the Federal Republic of Germany of 18 June 1982, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 December 1982.

For the Commission

Poul DALSAGER

Member of the Commission

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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.