COMMISSION DECISION

of 7 April 1983

establishing that the apparatus described as 'Aminco — Hem-o-scan Oxygen Equilibrium Curve Analyzer, model J4-9675 A' may not be imported free of Common Customs Tariff duties

(83/170/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 21 October 1982, the United Kingdom 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 'Aminco — Hem-o-scan Oxygen Equilibrium Curve Analyzer, model J4-9675 A', ordered on 7 May 1982 and intended to be used *in vitro* research on the effects of oxygen deprivation and other forms of adverse metabolic stress on the deformability of human red cells, 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 1 March 1983, 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 analyzer ;

Whereas it does not have 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 'Aminco — Hem-o-scan Oxygen Equilibrium Curve Analyzer, model J4-9675 A', which is the subject of an application by the United Kingdom of 21 October 1982, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 April 1983.

For the Commission

Karl-Heinz NARJES

Member of the Commission

(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.