COMMISSION

COMMISSION DECISION

of 25 October 1983

establishing that the apparatus described as 'Control Data — Computer, model Cyber 175-312' may not be imported free of Common Customs Tariff duties

(83/534/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 15 April 1983, 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 apparatus described as 'Control Data — Computer, model Cyber 175-312' ordered on 17 February 1978 and intended for use in data processing for educational and research projects 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 respresentatives of all the Member States met on 17 October 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 a computer; whereas by Decision 83/521/EEC (4) the Commission found that the importation of computers known as 'Control Data — Computer, models Cyber 170-720 and Cyber 170-750' could not be imported free of Common Customs Tariff duties because they could not be deemed to be scientific apparatus;

Whereas the technical characteristics of the imported apparatus and the results which may be obtained with it are practically identical to those of the apparatus referred to in Decision 83/521/EEC; whereas, therefore, it is justified to refuse in this case also the duty-free importation of the apparatus known as 'Control Data — Computer, model Cyber 175-312',

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'Control Data — Computer, model Cyber 175-312', which is the subject of an application by the Federal Republic of Germany of 15 April 1983, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 October 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.
(4) OJ No L 293, 25. 10. 1983, p. 24.