COMMISSION DECISION

of 17 May 1984

establishing that the apparatus described as 'Hewlett Packard — Spectrum Analyzer, model 8568 A' may not be imported free of Common Customs Tariff duties

(84/302/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 November 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 'Hewlett Packard — Spectrum Analyzer, model 8568 A', ordered on 15 January 1981 and intended to be used for the production of ultra-short laser pulses for solid-state spectroscopy to monitor the spectral purity of mode-coupled pulses produced with 80 MHz, 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 16 March 1984 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 spectrum analyzer ; whereas it does not have the requisite objective characteristics making it specifically suited to scientific research ; whereas in particular the great precision and the stability of the obtained measurement results cannot confer upon it this character ; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities, and in particular in the space industry, in the fields of telecommunication and the armed forces ; 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 'Hewlett Packard — Spectrum Analyzer, model 8568 A', which is the subject of an application by the Federal Republic of Germany of 4 November 1983, may not be imported free of Common Customs Tariff duties.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 May 1984.

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.