

## COMMISSION DECISION

of 1 August 1980

finding that the apparatus described as 'Evans and Sutherland-Picture System 2'  
is not a scientific apparatus

(80/832/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, scien-  
tific and cultural materials <sup>(1)</sup>, as amended by Regula-  
tion (EEC) No 1027/79 <sup>(2)</sup>,

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 <sup>(3)</sup>, and in particular Article 7 thereof,

Whereas, by letter dated 19 March 1980, the Dutch  
Government 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 'Evans and Sutherland-  
Picture System 2', to be used to design and perfect  
models for command and control, detection and  
tracking methods for an experimental phased array  
radar installation, 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 24 June 1980 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 system;

Whereas it does not have the requisite objective  
characteristics making it specifically suited to scien-  
tific research; whereas, moreover, apparatus of the  
same kind are principally used for non-scientific activi-  
ties; whereas its use in the case in question could not  
alone confer upon it the character of a scientific appa-  
ratus; whereas it therefore cannot be regarded as a  
scientific apparatus,

HAS ADOPTED THIS DECISION:

*Article 1*

The apparatus described as 'Evans and Sutherland-Pic-  
ture System 2' is not considered to be a scientific appa-  
ratus.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 1 August 1980.

*For the Commission*

Étienne DAVIGNON

*Member of the Commission*

<sup>(1)</sup> OJ No L 184, 15. 7. 1975, p. 1.

<sup>(2)</sup> OJ No L 134, 31. 5. 1979, p. 1.

<sup>(3)</sup> OJ No L 318, 13. 12. 1979, p. 32.