

COMMISSION DECISION

of 28 February 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Nuclear—Data Display and Acquisition System, model ND-6610'

(79/288/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⁾,

Having regard to Commission Regulation (EEC) No 3195/75 of 2 December 1975 laying down provisions for the implementation of Regulation (EEC) No 1798/75 ⁽²⁾, and in particular Articles 4 and 5 thereof,

Whereas, by letter dated 29 August 1978, the Danish Government requested the Commission to invoke the procedure laid down in Articles 4 and 5 of Regulation (EEC) No 3195/75 in order to determine whether or not the apparatus described as 'Nuclear—Data Display and Acquisition System, model ND-6610', consisting of an ND 6600 COMBUS system, a Display and Acquisition Subsystem (DAS), ND 6600 Terminal, and a range of programs for the basic exploitation system intended to be used for non-destructive testing (NDT) over the entire fuel rod (gamma scanning) and for alpha-spectrometry in the analysis of fuel composition, should be considered to be a scientific apparatus and, where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently manufactured in the Community;

Whereas, in accordance with the provisions of Article 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all of the Member States met on 6 February 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is a data acquisition apparatus showing a spectrum and treatment of this spectrum; whereas its special design and the conditions of its operation

render it an apparatus specifically adapted to the research intended, and distinguish it from data acquisition apparatus normally used in commercial fields; whereas it thus has objective technical characteristics making it specially suited to pure scientific research; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus capable of use for the same purpose is currently manufactured in the Community; whereas this in particular is the case with apparatus 'IN 90' manufactured by Intertechnique, 78370 Plaisir (France),

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Nuclear—Data Display and Acquisition System, model ND-6610' must be considered to be a scientific apparatus.
2. The conditions referred to in Article 3 (1) (b) of Regulation (EEC) No 1798/75 of 10 July 1975 for admission free of Common Customs Tariff duties of the scientific apparatus described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 February 1979.

For the Commission

Étienne DAVIGNON

Member of the Commission

⁽¹⁾ OJ No L 184, 15. 7. 1975, p. 1.

⁽²⁾ OJ No L 316, 6. 12. 1975, p. 17.