

COMMISSION DECISION

of 7 May 1984

establishing that the apparatus described as 'Hewlett Packard — Patient Data Management System, model 5600 A' may not be imported free of Common Customs Tariff duties

(84/263/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 2 November 1983, the Federal Republic of Germany 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 'Hewlett Packard — Patient Data Management System, model 5600 A', ordered on 6 November 1976 and intended to be used to measure and analyze the relationship between cardiac and respiratory regulation in seriously-ill neonates, 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 computer-assisted medical surveillance

system; whereas it does not have the requisite objective characteristics making it specifically suited to scientific research; whereas, in particular, the fact that it concerns a computerized medical surveillance system, it cannot confer upon it this character; whereas, moreover, apparatus of the same kind are principally used for non-scientific activities, in particular in the medical field for the intensive-care surveillance; 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 — Patient Data Management System, model 5600 A', which is the subject of an application by the Federal Republic of Germany of 2 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, 7 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.