

report involves a misuse of powers inasmuch as the analytical assessments do not pursue the aim laid down in the guide to staff reports and instead reflect the opinion that the applicant has not made a sufficient effort to re-establish a confidential relationship with his superiors. Finally, the assessment of the quality of the work is contrary to the rules of logic, since the applicant's work was consistently free from errors and was therefore 'excellent'.

The claim for compensation is based, in accordance with the Court's case-law, on the lengthy delay in drawing up the report.

Reference for a preliminary ruling by the Tariefcommissie by judgment of that court of 12 December 1988 in the case of Gerlach & Co. BV v. Inspecteur der Invoerrechten en Accijnzen

(Case 43/89)

(89/C 75/14)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tariefcom-

missie (Administrative court of last instance in revenue matters) of 12 December 1988, which was received at the Court Registry on 20 February 1989, for a preliminary ruling in the case of the limited liability company Gerlach & Co. BV, Schiphol, v. Inspecteur der Invoerrechten en Accijnzen (Inspector of Customs and Excise), Schiphol, on the following question:

Under which heading (subheading) of the Common Customs Tariff must the COM-recorder, described in the body of the reference ⁽¹⁾, be classified.

⁽¹⁾ This is a so-called COM-recorder, that is to say apparatus by which computer data are transcribed into legible form and then recorded on microfilm or microfiche. The imported COM-recorder consists of the following components:

- a control unit
 - a microcomputer
 - an acoustic/modem
 - two diskette drives
 - a control panel
 - a film-holder
 - a camera
 - a lens
 - a slide projector
 - an optical laser system
 - a developer
 - a keyboard/printer.
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