

COMMISSION DECISION

of 29 March 1979

on the refusal to accept the scientific character of an apparatus described as
'NBS biotran II automated colony counter'

(79/391/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 26 September 1978, the
United Kingdom 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
'NBS biotran II automated colony counter', used for
counting bacterial mutants produced as a result of
exposure to chemical carcinogens, should be considered
as a scientific apparatus and, if 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
4 (5) of Regulation (EEC) No 3195/75, a group of
experts composed of representatives of all the Member
States met on 7 February 1979 within the Committee
on Duty-Free Arrangements to examine this particular
case;

Whereas this examination shows that the apparatus in
question is an automated counter; whereas it does not
in itself have any objective characteristics making it
specially suited to pure scientific research; whereas it
is an apparatus for routine use in clinical medicine;
whereas its use in this particular case cannot in itself
give it the character of a scientific apparatus specially
suited to pure scientific research; whereas it cannot
therefore be regarded as a scientific apparatus,

HAS ADOPTED THIS DECISION:

Article 1

The apparatus described as 'NBS biotran II automated
colony counter' is not considered to be a scientific
apparatus.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 March 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.