

## COMMISSION DECISION

of 29 March 1979

on the refusal to accept the scientific character of an apparatus described as  
'Nikon mask alignment microscope'

(79/392/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 <sup>(1)</sup>,

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 <sup>(2)</sup>, 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  
'Nikon mask alignment microscope', used in research  
into guided optical waves for communication  
purposes 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 a microscope of rather simple conception  
which is used mainly for the manufacture of integrated  
circuits; whereas in itself it does not have objective  
scientific characteristics making it specially suited  
to pure scientific research; 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 'Nikon mask alignment  
microscope' 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*

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

<sup>(2)</sup> OJ No L 316, 6. 12. 1975, p. 17.