

COMMISSION DECISION**of 13 July 1979****excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Ohio nuclear delta scan 50 slow'****(79/672/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 8 January 1979, the German Government requested the Commission to initiate 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 'Ohio nuclear delta scan 50 slow', intended for use in research on chemical and diagnostic research and radiotherapy planning and, in particular, for comparative tests in respect of epigastric diagnoses — tomodensitometry, tomography, ultrasonic diagnoses, selective angiography and nuclear medicine methods — should be considered to be 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 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 28 May 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus in question is a computer densitometer; whereas its objective technical characteristics which render possible a high number of stratigraphic diagnoses by means of simple procedures and the use to which it is

put make it specially suited to scientific research; whereas it must therefore be considered to be a scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatuses of scientific value equivalent to the said apparatus, capable of being used for the same purposes, are currently being manufactured in the Community; whereas this applies, in particular, to the apparatus 'CT 5005', manufactured by EMI Medical Ltd, 248 Blyth Road, Hayes, Middlesex, United Kingdom, since 1 March 1977, the apparatus, 'Tomoscan 200' and, since 1 January 1979, the apparatus 'Tomoscan 300' manufactured by Philips Nederland BV, Boschdijk 525, Eindhoven, the Netherlands,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Ohio nuclear delta scan 50 slow' is considered to be a scientific apparatus.
2. The conditions referred to in Article 3 (1) (b) of Council 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, 13 July 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.