# COMMISSION DECISION

## of 13 June 1979

## refusing to accept the scientific character of the apparatus described as 'JMR-1 Doppler satellite survey receiver'

(79/576/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 4 December 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 'JMR-1 Doppler satellite survey receiver', intended for measuring the total electron content of the ionosphere, 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 4 (5) of Regulation (EEC) No 3195/75, a group of experts composed of representatives of all the Member States met on 27 April 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is a portable receiving and data recording system, which does not have the requisite objective technical characteristics making it specifically suited to scientific research ; whereas this apparatus constitutes a special application of an instrument with normal technical characteristics ; whereas moreover it is an apparatus in current use in particular for locating mineral oil deposits under the sea bed ; 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,

HAS ADOPTED THIS DECISION :

*Article 1*

The apparatus described as 'JMR-1 Doppler satellite survey receiver' is not considered to be a scientific apparatus.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 13 June 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.