II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 June 1977

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Searle Mark III Liquid Scintillation Counter'

(77/443/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 3 February 1977, the German 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 'Searle Mark III Liquid Scintillation Counter' should be considered to be scientific apparatus, and where the reply is in the affirmative, whether apparatus of equivalent scientific value is currently 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 of the Member States met on 3 June 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is a liquid scintillation counter used for the analysis of radioactively labelled viral and cellular nucleic acids in basic research on tumour virus genetics, and in particular on DNA tumour viruses; whereas the characteristics and the intended use render it material specially adapted for basic research in the field of medicine; whereas, therefore, it has the character of scientific apparatus;

Whereas, however, on the basis of information received from Member States, apparatus of scientific value equivalent to the said apparatus capable of use for the same purpose is currently manufactured in the Community,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Searle Mark III Liquid Scintillation Counter' must be considered to be 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 apparatus described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1977.

For the Commission

Étienne DAVIGNON

Member of the Commission

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[1] OJ No L 184, 15. 7. 1975, p. 1.
[2] OJ No L 316, 6. 12. 1975, p. 17.