COMMISSION DECISION

of 24 June 1977

allowing admission free of Common Customs Tariff duties of scientific apparatus described as 'Canberra Silicon (Li) X-Ray Detector', model 7383, with 'alarm system', model 1785

(77/445/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 10 January 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 : 'Canberra Silicon (Li) X-Ray Detector', model 7383, with 'alarm system', model 1785, 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 is a silicon detector with lithium compensation, with an alarm system, and a pulsed opto electronic feed-back type pre-amplifier, used in nuclear X-ray spectrometry and florescence, for the purpose of detecting trace elements, and in particular heavy metals, in food chains ; whereas the particular characteristics of this apparatus and its intended use render it material specially adapted to research in the field of ecology ; whereas, therefore, it has the character of scientific apparatus ;

Whereas, on the basis of information received from Member States, apparatus of equivalent scientific value, complete with an alarm system, capable of use for the same purpose was only available in the Community after 1 February 1977 ; whereas, taking into account that at the time of ordering the apparatus in question, the delivery period, required by the Community producers and entering into consideration, was considerably longer than that for the delivery of the apparatus which is the subject of this request for duty-free admission ; whereas it seems appropriate in these circumstances to allow duty-free admission of the apparatus in question,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Canberra Silicon (Li) X-Ray Detector', model 7383, with 'alarm system', model 1785, 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 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

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