COMMISSION DECISION

of 3 January 1978

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer'

(78/130/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 2 August 1977, the Government of the Federal Republic of Germany 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 'Syntex $P2_1$ Diffractometer, incorporating a miniature computer' should be considered to be a 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 19 December 1977 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus in question is an automatic four-circuit, single-crystal X-ray diffractometer, incorporating a miniature computer, for the analysis of crystal structures of inorganic, organo-metallic and organic compounds; whereas it is used to obtain data on the mechanism of chemical reactions and on the chemical bond in these compounds; whereas, taking account of its special characteristics and the use to which it is put, it must be considered to be a 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 'Syntex $P2_1$ Diffractometer incorporating a miniature computer' must be considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Regulation (EEC) No 1798/75 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, 3 January 1978.

For the Commission

Finn GUNDELACH

Vice-President

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