COMMISSION DECISION

of 13 April 1978

allowing admission free of Common Customs Tariff duties of scientific apparatus described as 'JEOL mass data analysis system, type JMA-0231/0341'

(78/413/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 9 December 1977, the Danish 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 'JEOL mass data analysis system, type JMA-0231/0341' should be considered to be scientific apparatus, and if 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 29 March 1978 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus is a data-processing unit used in the pharmaco-analytical study of substances resulting from the transformation of medicaments in the organism; whereas this system of analysis is specially designed for use in conjunction with a mass spectrometer; whereas its characteristics and the use for which it is intended make it a device specially suited to pure scientific research, and it therefore has the character of scientific equipment;

Whereas information obtained from the Member States has shown that apparatus of equivalent scientific value and capable of being used for the same purpose has been manufactured in the Community, within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75, only since 1 January 1978; whereas, when an order was placed for the apparatus in March 1976, it was not possible at that time for Community manufacturers to supply equipment of equivalent scientific value to that of the apparatus for which duty-free admission is requested; whereas exemption from import duty is therefore justified in respect of the apparatus in question; whereas the grant of such exemption must, however, be limited to cases where the order for the apparatus was placed prior to 1 January 1978,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus designated 'JEOL mass data analysis system, type JMA-0231/0341' must be considered to be a scientific apparatus.

2. The apparatus referred to in paragraph 1 above fulfils the requirements of Council Regulation (EEC) No 1798/75 of 10 July 1975 on importation free of Common Customs Tariff duties.

Article 2

The provisions of Article 1 (2) are applicable only to those units of the apparatus in question for which an order was placed before 1 January 1978.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13 April 1978.

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.