COMMISSION DECISION

of 5 October 1978

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Packard 2450/645 Tri-Carb Spectrometer' with teletype

(78/852/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 27 April 1978, 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 'Packard 2450/645 Tri-Carb Spectrometer' with teletype 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 the Member States met on 14 September 1978 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 spectrometer with teletype used for research work in medicine and biology; whereas its characteristics allow in particular the measurement of labelled radioactive samples in examinations of biological material; whereas these characteristics and the use made of the apparatus make it an apparatus particularly suited for pure scientific research; whereas therefore 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, has been manufactured in the Community, within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75, since January 1976,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Packard 2450/645 Tri-Carb Spectrometer' with teletype must be considered to be a 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 scientific apparatus described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 October 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.