COMMISSION

COMMISSION DECISION

of 13 October 1978

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Beckman liquid scintillation system, model LS 8000'

(78/894/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 6 April 1978, 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 'Beckman liquid scintillation system, model LS 8000' should be considered as 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 6 October 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 system used in research work for the purpose of measuring the artificial activity of biological systems after or in association with radiation; whereas its characteristics enable it in particular to provide quantitative determination of low-energy radioactive β-rays in biological samples;

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, have been manufactured in the Community, within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75, since 1975,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Beckman liquid scintillation sysem, model LS 8000' 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, 13 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.