COMMISSION DECISION

of 21 November 1978

allowing admission free of Common Customs Tariff duties of scientific apparatus described as 'Hitachi scanning electron microscope, model S-550' with a transmitted electron image device (model S-5040) and a specimen cooling device (model HX-CS 2)

(78/992/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 11 May 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 'Hitachi scanning electron microscope, model S-550' with a transmitted electron image device (model S-5040) and a specimen cooling device (model HX-CS 2) should be considered as scientific apparatus, and, if the reply is in the affirmative, whether apparatus of equivalent scientific value is currently being 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 20 October 1978 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination shows that the apparatus is a scanning electron microscope with a transmitted electron image device and a specimen cooling device used mainly in research concerned with the disposition of polymers in rock samples and the characterization of substrate materials; whereas its particular features and especially the guaranteed resolution of 70 Å make it particularly usable for polymer analysis;

Whereas its characteristics and the use for which it is intended make it a device especially suited to pure scientific research, and it therefore has the character of scientific equipment;

Whereas information gathered in the Member States has shown that apparatus of equivalent value to the said microscope which guarantee a resolution of 70 Å and capable of being used for the same purpose have been manufactured in the Community, within the meaning of Article 3 (3) of Regulation (EEC) No 1798/75, only since 1 February 1977; whereas, when an order was placed for the apparatus in April 1976, it was not possible at that time for Community manufacturers to supply a microscope of equivalent scientific value to that of the apparatus for which duty-free admission is requested; whereas relief from import duty is therefore justified in respect of the apparatus in question; whereas the grant of such relief must however be limited to cases where the order for the apparatus was placed prior to 1 February 1977,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Hitachi scanning electron microscope, model S-550' with a transmitted electron image device (model S-5040) and a specimen cooling device (model HX-CS 2) 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 fulfilled.

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

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 February 1977.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 21 November 1978.

For the Commission

Étienne DAVIGNON

Member of the Commission