COMMISSION DECISION

of 23 November 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'JASCO Automatic Recording Spectro-polarimeter, model J-41 A'

(79/1037/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 14 May 1979, 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 'JASCO Automatic Recording Spectro-polarimeter, model J-41 A', used for teaching and research in connection with problems of bio-catalysis and its origin and the intensification of chiarality, should be considered to be a scientific apparatus and, where 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 the Member States met on 29 October 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is a spectral polarimeter ;

Whereas in view of its objective technical characteristics such as the great precision of the measurements and the use to which it is put, this apparatus is specially suited to pure scientific research ; whereas it must therefore 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 being used for the same purposes, are currently being manufactured in the Community ; whereas this applies, in particular, to the apparatus 'MARK III-S' manufactured by Instruments S.A., division Jobin-Yvon, 16-18, rue du Canal, 91160 Longjumeau/France,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'JASCO Automatic Recording Spectro-polarimeter, model J-41 A' is 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, 23 November 1979.

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.