COMMISSION DECISION

of 28 February 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Beckman—Liquid Scintillation System, model LS 9000'

(79/290/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 letters dated respectively 29 August 1978 and 23 November 1978, the Danish and German Governments 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 9000', used for the following researches :

— measurement of radioactive compounds in animal tissues,
— examination of the regulation reactions of the lytic cycles of tumour virus,
— definition of the specific changes, which are determinative as regards the proliferation of neoplastic cells,
— detection of the presence and localization of viral genera in the host-cell of oncogenera,
— differentiation and characterization of related visit strains, and localization of cancer producing virus,

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 of the Member States met on 6 February 1979 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 ; whereas its technical characteristics such as its precision and capacity to reproduce data, as well as the use to which it is put, render it an apparatus especially suitable for pure scientific research ;

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 is currently manufactured in the Community ; whereas this applies, in particular, to the gammas 'SL 3000' and 'SL 4000' manufactured by Intertechnique, 78370 Plaisir (France), the apparatus 'Mark III' manufactured by G. D. Searle Nederland BV, Wiegerbruinlaan 75, Uithoorn (Netherlands) and the apparatus 'PW 4540' manufactured by Philips Nederland BV, Boschdijk 525, Eindhoven (Netherlands),

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus 'Beckman—Liquid Scintillation System, model LS 9000' must be considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of 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, 28 February 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.