COMMISSION DECISION

of 8 March 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Canberra omega one multichannel analyzer, model 4100'

(79/317/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 September 1978, the Danish 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 'Canberra omega one multichannel analyzer, model 4100', to be used for research work in nuclear physics, in particular to record gamma spectra, 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 12 January 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is a multichannel analyzer ; whereas in view of its objective technical characteristics, in particular the accuracy with which it can analyze a spectrum 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 'Interzoom' apparatus manufactured by the firm Numelex-Sein, 2, Petite Place — 78005 Versailles (France), the '860' and '290' apparatus manufactured by the firm Link Systems Ltd, Halifax Road, High Wycombe, Buckinghamshire (United Kingdom) and the 'Compact 8004' apparatus manufactured by the firm Montedel — Div. Laben, Via Bassini, 15, Milan (Italy),

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Canberra omega one multichannel analyzer, model 4100' 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, 8 March 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.