COMMISSION DECISION

of 13 March 1979

excluding from admission free of Common Customs Tariff duties from the scientific apparatus described as 'Dupont ultracentrifuge, type OTD-65'

(79/320/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 29 August 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 'Dupont ultracentrifuge, type OTD-65', intended for use notably in the fractionation of proteins, the isolation of cellular membranes and complex antigens and for subcellular fractionation, 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 an ultracentrifuge which can attain a speed of rotation of 65 000 r/min; whereas its objective characteristics such as speed of rotation, vibration-free operation and fully variable acceleration, as well as the use made of it make it an apparatus specially suited to 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 is currently manufactured in the Community; whereas this, in particular, is the case with apparatus 'L5-65' manufactured by Beckmann Instruments, GmbH, Frankfurter Ring 115, 8000 Munich 40, Germany,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Dupont ultracentrifuge, type OTD-65' 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, 13 March 1979.

For the Commission

Antonio GIOLITTI

Member of the Commission

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