COMMISSION DECISION

of 16 March 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Varian atomic absorption spectrometer, type AA 6D'

(79/340/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 8 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 'Varian atomic absorption spectrometer, type AA 6D' for use in clinical-chemistry research, 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 7 February 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is an analyzer for solid material ; whereas its objective technical characteristics such as resolution and absorption range and the use to which it is put make it 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 is currently being manufactured in the Community ; whereas this applies in particular to the apparatus 'SP 1900' manufactured by the firm Pye Unicam Ltd, York Street, Cambridge CB1 2PX, United Kingdom and the apparatus 'FMD 3' manufactured by the firm Carl Zeiss, 7082 Oberkochen, Germany,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Varian atomic absorption spectrometer type AA 6D' is considered to be a scientific apparatus.

2. The conditions referred to in Article 3 (1) (b) of Regulation (EEC) No 1798/75 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, 16 March 1979.

For the Commission

Lorenzo NATALI

Vice-President

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