COMMISSION DECISION

of 27 April 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Varian vacuum system Leed/Auger/RFA, type 981-2001 A2/B1' with accessories

(79/453/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 Council 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 26 October 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 vacuum system Leed/Auger/RFA, type 981-2001 A2/B1' with accessories, for research on the surface physics of solid substances, 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 March 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus in question together with its accessories constitutes a system for surface analysis; whereas its objective technical characteristics such as the ultra-high vacuum it can attain 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 system of analysis 'LAS 2000' manufactured by Riber SA, 22 *bis*, boulevard de l'Hôpital Stell, 92503 Rueil Malmaison, France,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Varian vacuum system Leed/Auger/RFA, type 981-2001 A2/B1' 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, 27 April 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.