COMMISSION DECISION

of 18 May 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Ortec-Si(Li) X-ray detector, model 7400-0455-S, with preamplifier, model 1178 and detector bias supply, model 459'

(79/522/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 17 November 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 'Ortec-Si(Li) X-ray detector, model 7400-0455-S, with preamplifier, model 1178 and detector bias supply, model 459', used for research on the spectroscopy of X-rays and the detection of X-rays produced by a nuclear accelerator or by another radioactive source, 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 March 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is a lithium-drifted silicon X-ray detector ; whereas its objective technical characteristics such as energy resolution and the use to which it is put make it specially suited to 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 'Si(Li)' for X-rays, manufactured by Enertec-Schlumberger, 1, rue Nieuport, 78140-Velizy-Villacoublay, France and the apparatus 'Laben Si(Li) X-detector' with 'preamplifier, model PA 6002' and 'detector bias supply, model 6124' manufactured by Montedel-Divisione Laben, via Bassini 15, 20133 Milano, Italy,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Ortec-Si(Li) X-ray detector, model 7400-0455-S, with preamplifier, model 1178 and detector bias supply, model 459' 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, 18 May 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.