COMMISSION DECISION

of 13 July 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatuses described as 'EDAX-Si (Li) detecting unit, model PSEM 500' and 'EDAX-EXAM-MAX-System F, model 939'

(79/673/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 5 January 1979, the German 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 'EDAX-Si (Li) detecting unit, model PSEM 500' and 'EDAX-EXAM-MAX-System F, model 939', intended for use in research on the analyses of elements and, in particular, in microscopic analyses by X-rays and in X-ray fluorescence analyses of ceramic clay, paints, pigments, metals and fodder, as well as in the physical-chemical analyses of sera, should be regarded as 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 28 May 1979 within the Committee on Duty-Free Arrangements to examine these particular cases;

Whereas this examination showed that the apparatuses in question consist respectively of a micro-analyses system and of an X-ray fluorescence spectrometer; whereas their objective technical characteristics such as accuracy and speed analyses, and the use to which they are put make them specially suited to scientific research; whereas they must therefore be regarded as scientific apparatuses;

Whereas, however, on the basis of information received from Member States, apparatuses 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 apparatus 'Stereoscan 150', manufactured by Cambridge Instruments, Melbourn Royston, Hertfordshire SG8 6EJ, United Kingdom, and to the apparatus 'MECA 10-42', manufactured by Link Systems, Halifax Road, High Wycombe, Buckinghamshire HP12 3SE, United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatuses described as 'EDAX-Si (Li) detecting unit, model PSEM 500' and 'EDAX-EXAM-MAX-System F, model 939', are regarded as scientific apparatuses.

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 apparatuses described in paragraph 1 are not fulfilled.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 July 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.