COMMISSION DECISION

of 13 July 1979

excluding from admission free of Common Customs Tariff duties the scientific apparatus described as 'Finnigan-gas chromatograph/mass spectrometer with INCOS-Data System, model 4023'

(79/674/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 January 1979, the German Government requested the Commission to initiate 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 'Finnigan-gas chromatograph/mass spectrometer with INCOS-Data System, model 4023', intended for use in research on separation by gas-chromatography and the detection of various substances by mass spectrometry and, in particular, for the analyses of complex mixtures to be carried out during mechanical examinations of enzymatic separations and of the syntheses of natural 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 28 May 1979 within the Committee on Duty-Free Arrangements to examine this particular case;

Whereas this examination showed that the apparatus in question consists of a gas chromatograph-mass spectrometer combined with a computer; whereas its objective technical characteristics such as high protection sensitivity 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, 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, since 1 July 1976 to the apparatus 'GCMS R10-10' manufactured by Ribermag, 49 quai du Halage, 92502 Rueil-Malmaison, France and, since 1 January 1977, to the apparatus 'MM 16F' manufactured by VG Organic Ltd, Tudor Road, Altrincham, Cheshire WA14 5RZ, United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

1. The apparatus described as 'Finnigan-gas chromatograph/mass spectrometer with INCOS-Data System, model 4023' 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, 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.