COMMISSION DECISION

of 14 September 1979

allowing admission free of Common Customs Tariff duties of the scientific apparatus described as 'Hewlett-Packard gas chromatograph/mass spectrometer, model HP 5982 A'

(79/814/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 12 March 1979, the Italian 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 'Hewlett-Packard gas chromatograph/mass spectrometer, model HP 5982 A', used for research on diiohapidine cycloaddition reactions, the syntheses and study of derivatives of nafphtyridine series and aromatic substitutions and electrophilic substitutions in the gaseous phase, 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 May 1979 within the Committee on Duty-Free Arrangements to examine this particular case ;

Whereas this examination showed that the apparatus in question is a gas chromatograph/mass spectrometer ; whereas its objective technical characteristics such as its extremely high 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, apparatus of scientific value equivalent to the said apparatus capable of being used for the same purpose is 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 ; whereas, when an order was placed for the spectrometer in question prior to 1 July 1976, it was not possible at that time for Community manufacturers to supply a spectrometer of equivalent scientific value to that of the apparatus for which duty-free admission is requested ; whereas relief from import duty is therefore justified in respect of the apparatus in question ; whereas the granting of such relief must, however, be limited to cases where the order for the apparatus was placed prior to 1 July 1976,

HAS ADOPTED THIS DECISION :

Article 1

1. The apparatus described as 'Hewlett-Packard gas chromatograph/mass spectrometer, model HP 5982 A' 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 apparatus described in paragraph 1 are fulfilled.

Article 2

Admission free of Common Customs Tariff duties of the apparatus described in Article 1 (2) is limited to cases where the order for the apparatus was placed prior to 1 July 1976.

Article 3

This Decision is addressed to the Member States.

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.